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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3415

UNITED NATIONS DAY, 1961

By the President of the United States  
of America  
A Proclamation

WHEREAS the United Nations has clearly demonstrated its capacity to act as a force for peace and human advancement, and has provided a dynamic spirit which is leading the nations of the world along the road to human progress; and

WHEREAS the United Nations is available to assist all nations and peoples in their efforts to combat hunger, disease, and despair; and

WHEREAS the United States strongly supports the United Nations, the Charter of which is rooted in ideals and aspirations which we share with freedom-loving people in all parts of the world; and

WHEREAS the United States considers that this world organization is an indispensable instrument of international peace, economic improvement, and social development, and that any attempt to destroy it would be a blow aimed directly at the independence and security of nations, large and small; and

WHEREAS the General Assembly of the United Nations has resolved that October twenty-fourth, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby urge the citizens of this Nation to observe Tuesday, October 24, 1961, as United Nations Day by means of community programs which will demonstrate their faith in the United Nations and contribute to a better understanding of its aims, problems, and accomplishments.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures to engage in appropriate observance of United Nations Day throughout the land in cooperation with the United States Committee for the United Nations and other organizations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of May in the year of our Lord nineteen hundred [SEAL] and sixty-one, and of the Independence of the United States of America the one hundred and eighty-fifth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 61-4936; Filed, May 23, 1961;  
4:46 p.m.]

### Executive Order 10945

#### ADMINISTRATION OF THE EXPORT CONTROL ACT OF 1949

By virtue of the authority vested in me by the Export Control Act of 1949, as amended, and as President of the United States, it is ordered as follows:

SECTION 1. The power, authority, and discretion conferred upon the President by the provisions of the Export Control Act of 1949 (63 Stat. 7), as amended (50 U.S.C. App. 2021-2032), are hereby delegated to the Secretary of Commerce, with power of successive redelegation.

SEC. 2. There is hereby established the Export Control Review Board (hereinafter referred to as the Board). The Board shall be composed of the Secretary of Commerce, who shall be the Chairman of the Board, the Secretary of State, and the Secretary of Defense. No alternate Board members shall be designated, but the acting head of any department may serve in lieu of the head of the department concerned. The Board may invite the heads of Government agencies, other than the departments represented by the Board members, to participate in the activities of the Board when matters of interest to such agencies are under consideration.

SEC. 3. The Secretary of Commerce may from time to time refer to the Board such particular export license matters, involving questions of national security or other major policy issues, as he shall select. The Secretary of Commerce shall also refer to the Board any other such export license matter, upon the request of any other member of the

Board or of the head of any other Government department or agency having an interest in such matter. The Board shall consider the matters so referred to it, giving due consideration to the foreign policy of the United States, the national security, and the domestic economy, and shall make recommendations thereon to the Secretary of Commerce.

SEC. 4. The President may at any time (a) prescribe rules and regulations applicable to the power, authority, and discretion referred to in section 1 of this order, and (b) communicate to the Secretary of Commerce such specific directives applicable thereto as the President shall determine. The Secretary of Commerce shall from time to time report to the President upon the administration of the Export Control Act of 1949, as amended, and, as he may deem necessary, may refer to the President recommendations made by the Board under section 3 of this order. Neither the provisions of this section nor those of section 3 shall be construed as limiting the provisions of section 1 of this order.

SEC. 5 (a) All provisions relating to export control that are contained in the following and are now effective are hereby superseded:

- (1) Proclamation No. 2413 of July 2, 1940
- (2) Executive Order No. 8900 of September 15, 1941
- (3) Executive Order No. 8982 of December 17, 1941
- (4) Executive Order No. 9361 of July 15, 1943
- (5) Executive Order No. 9380 of September 25, 1943
- (6) Executive Order No. 9630 of September 27, 1945
- (7) Executive Order No. 9919 of January 3, 1948

(b) Except to the extent that they are inconsistent with this order, all outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action made, issued, or otherwise taken under, or continued in force by, the Export Control Act of 1949, as amended, shall remain in full force and effect until amended, modified, or terminated by proper authority.

JOHN F. KENNEDY

THE WHITE HOUSE,  
May 24, 1961

[F.R. Doc. 61-4953; Filed, May 24, 1961;  
12:06 p.m.]



# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-AN-22]

### PART 600—DESIGNATION OF FEDERAL AIRWAYS

#### PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

#### Alteration and Designation of Federal Airways, Associated Control Areas, and Reporting Points

On February 15, 1961, a notice of proposed rule making was published in the *FEDERAL REGISTER* (26 F.R. 1308) stating that the Federal Aviation Agency proposed to alter VOR Federal airways Nos. 436, 438, and 456; designate VOR Federal airway No. 506 and its associated control areas from Bethel, Alaska, to King Salmon, Alaska; designate VOR Federal airway No. 508 from Kenai, Alaska, to Middleton Island, Alaska, and designate and revoke various reporting points.

Although the notice stated that these airways would be 16 miles either side of the centerline at and above 24,000 feet MSL, it has now been determined that this width is not required for air traffic control purposes on Victor airways Nos. 436, 438, and 506. Therefore these airways are designated herein as normal airways, 10 miles in width.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6436 (14 CFR 600.6436) is amended to read:

§ 600.6436 VOR Federal airway No. 436 (King Salmon, Alaska, to Peters Creek, Alaska).

From the King Salmon, Alaska, VOR via the INT of the Homer, Alaska, VOR 269° radial and the King Salmon VOR direct radial to the Anchorage, Alaska,

VOR; INT of the Kenai, Alaska, VOR 217° and the Homer VOR 269° radials; Kenai VOR, including an E alternate from the INT of the Kenai VOR 217° and the Homer VOR 269° radials to the Kenai VOR via the Homer VOR; Anchorage, Alaska, VOR; to the INT of the Anchorage VOR 347° radial with the Skwentna, Alaska, RR NE course. The portion of this airway which coincides with R-2201 shall be used only after obtaining prior approval from appropriate authority.

2. Section 600.6438 (14 CFR 600.6438) is amended to read:

§ 600.6438 VOR Federal airway No. 438 (Shuyak, Alaska, to Talkeetna, Alaska).

From the Shuyak, Alaska, RBN via the Homer, Alaska, VOR; INT of the Homer VOR 027° and the Anchorage, Alaska, VOR 198° radials; Anchorage VOR; to the Talkeetna, Alaska, RBN. The portion of this airway which coincides with R-2203 is excluded. The portion of this airway which coincides with R-2201 shall be used only after obtaining prior approval from appropriate authority.

3. Section 600.6456 (25 F.R. 3814) is amended to read:

§ 600.6456 VOR Federal airway No. 456 (King Salmon, Alaska, to Anchorage, Alaska).

From the King Salmon, Alaska, VOR to the Anchorage, Alaska, VOR, including the area within 16 miles either side of the centerline of the airway at and above 24,000 feet MSL. The portion of this airway which coincides with R-2201 shall be used only after obtaining prior approval from appropriate authority.

4. In Part 600 (14 CFR Part 600) the following sections are added:

§ 600.6506 VOR Federal airway No. 506 (King Salmon, Alaska).

From the King Salmon, Alaska, VOR to the Bethel, Alaska, VOR.

§ 600.6508 VOR Federal airway No. 508 (Middleton Island, Alaska, to Kenai, Alaska).

From the Middleton Island, Alaska, VOR to the Kenai, Alaska, VOR, including the area within 16 miles either side of the centerline of the airway at and above 24,000 feet MSL, but excluding the portion which coincides with W-533.

§ 601.6436 [Amendment]

5. In the caption of § 601.6436 (14 CFR 601.6436) "Kenai, Alaska, to Talkeetna, Alaska," is deleted and "King Salmon, Alaska, to Peters Creek, Alaska," is substituted therefor.

§ 601.6438 [Amendment]

6. In the caption of § 601.6438 (14 CFR 601.6438) "Skilak," is deleted and "Shuyak," is substituted therefor.

§ 601.6456 [Amendment]

\*7. In the caption of § 601.6456 (25 F.R. 3814) "Redoubt Bay," is deleted and "King Salmon," is substituted therefor.

8. In Part 601 (14 CFR Part 601) the following sections are added:

§ 601.6506 VOR Federal airway No. 506 control areas (King Salmon, Alaska, to Bethel, Alaska).

All of VOR Federal airway No. 506.

§ 601.6508 VOR Federal airway No. 508 control areas (Middleton Island, Alaska, to Kenai, Alaska).

All of VOR Federal airway No. 508.

§ 601.7001 [Amendment]

9. In § 601.7001 (26 F.R. 1079) the following actions are taken:

a. Add:

1. Bethel, Alaska, VOR.

2. Chinitna INT: The INT of the Kenai, Alaska, VOR 217° and the Homer, Alaska, VOR 269° radials.

3. Copper INT: The INT of the Homer, Alaska, VOR 269° radial and the King Salmon, Alaska, VOR direct radial to the Anchorage, Alaska, VOR.

4. Harriet INT: The INT of the Homer, Alaska, VOR 330° radial and the King Salmon, Alaska, VOR direct radial to the Anchorage, Alaska, VOR.

5. Homer, Alaska, VOR.

6. Inlet INT: The INT of the Kenai, Alaska, VOR 345° radial and the King Salmon, Alaska, VOR direct radial to the Anchorage, Alaska, VOR.

7. Kenai, Alaska, VOR.

8. King Salmon, Alaska, VOR.

9. Ninilchik INT: The INT of the Kenai, Alaska, VOR 217° and the Homer, Alaska, VOR 330° radials.

10. Seward INT: The INT of the Anchorage, Alaska, VOR 163° radial and the Kenai, Alaska, VOR direct radial to the Middleton Island, Alaska, VOR.

11. Shoal INT: The INT of the Kenai, Alaska, VOR 026° radial and the King Salmon, Alaska, VOR direct radial to the Anchorage, Alaska, VOR.

12. Skilak INT: The INT of the Anchorage, Alaska, VOR 198°, and Homer, Alaska, VOR 027° radials and the Kenai, Alaska, VOR direct radial to the Middleton Island, Alaska, VOR.

b. Delete:

1. Skilak INT: The INT of the Anchorage, Alaska, VOR 199° T radial and the Kenai, Alaska, RR southeast course.

2. Redoubt Bay INT: (25 F.R. 3814) The INT of the Anchorage, Alaska, VOR 241° True radial and the Kenai, Alaska, RR W course.

These amendments shall become effective 0001 e.s.t., July 27, 1961.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on May 18, 1961.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 61-4836; Filed, May 24, 1961; 8:46 a.m.]



[Reg. Docket No. 734; Amdt. 219]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

## LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition         |             |                     |                         | Ceiling and visibility minimums                |                                   |                                   |                                        |
|--------------------|-------------|---------------------|-------------------------|------------------------------------------------|-----------------------------------|-----------------------------------|----------------------------------------|
| From—              | To—         | Course and distance | Minimum altitude (feet) | Condition                                      | 2-engine or less                  |                                   | More than 2-engine, more than 65 knots |
|                    |             |                     |                         |                                                | 65 knots or less                  | More than 65 knots                |                                        |
| Jamestown VOR..... | JS-LFR..... | Direct.....         | 2800                    | T-dn.....<br>C-d.....<br>C-n.....<br>A-dn..... | 300-1<br>400-1<br>400-1½<br>800-2 | 300-1<br>500-1<br>500-1½<br>800-2 | 200-½<br>500-1½<br>500-1½<br>800-2     |

Procedure turn N side E crs, 078° Outbnd, 258° Inbnd, 2700' within 10 mi.

Minimum altitude over facility on final approach crs, 2200'.

Crs and distance, facility to airport, 270°—1.1.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 mi, climb to 3400' on W crs JS-LFR within 10 mi.

CAUTION: 1620' MSL water tower 0.5 mi SW of airport.

Other changes: Deletes straight-in minimums.

City, Jamestown; State, N. Dak.; Airport Name, Municipal; Elev., 1498'; Fac. Class., SBMRAZ; Ident., JS; Procedure No. 1, Amdt. 9; Eff. Date, 3 June 61; Sup. Amdt. No. 8; Dated, 15 Mar. 58

|                   |             |             |      |                                     |                         |                         |                          |
|-------------------|-------------|-------------|------|-------------------------------------|-------------------------|-------------------------|--------------------------|
| Key West VOR..... | EW-LFR..... | Direct..... | 1300 | T-dn.....<br>C-d.....<br>A-dn*..... | 300-1<br>500-1<br>800-2 | 300-1<br>500-1<br>800-2 | 200-½<br>500-1½<br>800-2 |
|-------------------|-------------|-------------|------|-------------------------------------|-------------------------|-------------------------|--------------------------|

Procedure turn N side W crs, 267° Outbnd, 087° Inbnd, 1300' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 800'.

Crs and distance, facility to airport, 065°—1.2.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles, climb to 1500' on E crs within 20 miles of EW-LFR.

NOTE: Runway lighting available on request to EYW FSS.

\*Authorized as an alternate only during hours when approved weather service available. U.S. Weather Bureau service available from 0600-2200 EST only.

City, Key West; State, Fla.; Airport Name, International; Elev., 4'; Fac. Class., SBRAZ; Ident., EW; Procedure No. 1, Amdt. 10; Eff. Date, 3 June 61; Sup. Amdt. No. 9; Dated, 26 Sept. 59

|              |              |             |      |                                                     |                         |                         |                          |
|--------------|--------------|-------------|------|-----------------------------------------------------|-------------------------|-------------------------|--------------------------|
| PIE-VOR..... | TPA-LFR..... | Direct..... | 1500 | T-dn*.....<br>C-dn.....<br>S-dn-3.....<br>A-dn..... | 300-1<br>700-1<br>400-1 | 300-1<br>700-1<br>400-1 | 300-1<br>700-1½<br>400-1 |
|--------------|--------------|-------------|------|-----------------------------------------------------|-------------------------|-------------------------|--------------------------|

Procedure turn S side SW crs, 211° Outbnd, 031° Inbnd, 1200' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 055°—2.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi, climb to 1500' on NE crs within 20 mi.

NOTES: Air Carrier use not authorized. Weather and communications service not available at this airport. Unicom available, however.

CAUTION: 451' towers immediately N of airport.

City, Tampa; State, Fla.; Airport Name, Peter O Knight; Elev., 8'; Fac. Class., SBRAZ; Ident., TPA; Procedure No. 1, Amdt. 2; Eff. Date, 3 June 61; Sup. Amdt. No. 1; Dated, 18 Feb. 56

|                     |                 |                   |      |              |       |       |        |
|---------------------|-----------------|-------------------|------|--------------|-------|-------|--------|
| PIE-VOR.....        | TPA-LFR.....    | Direct.....       | 1500 | T-dn.....    | 300-1 | 300-1 | 200-½  |
| All directions..... | Radar Site..... | Within 25 mi..... | 1500 | C-dn.....    | 500-1 | 500-1 | 500-1½ |
|                     |                 |                   |      | S-dn-36..... | 500-1 | 500-1 | 500-1  |
|                     |                 |                   |      | A-dn.....    | 800-2 | 800-2 | 800-2  |

Radar control must provide 1000' clearance when within 3 miles or 500' clearance when between 3-5 miles of radio antenna towers 861' MSL 12 mi SE and 1135' MSL 16 mi SE of airport.

Procedure turn S side SE crs, 136° Outbnd, 316° Inbnd, 1500' within 10 mi. (Nonstandard due to obstruction.)

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 333°—5.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles, turn right and climb to 1500' on N crs within 20 miles or, when directed by ATC, turn right and climb to 1500' on NE crs within 20 miles of TPA-LFR.

CAUTION: 210' Radio Tower 1 mi WSW of airport.

AIR CARRIER NOTES: 200-½ absolute minimum for takeoff Runway 27. Runway 14-32 closed to all air carrier operations.

\*1 mile visibility required all operations Runway 14-32.

City, Tampa; State, Fla.; Airport Name, Tampa International; Elev., 27'; Fac. Class., SBRAZ; Ident., TPA; Procedure No. 1, Amdt. 14; Eff. Date, 3 June 61; Sup. Amdt. No. 13; Dated, 16 May 59



## 2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition |     |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|------------|-----|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—      | To— | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|            |     |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |

PROCEDURE CANCELLED, EFFECTIVE 3 JUNE 1961, OR UPON DECOMMISSIONING OF FACILITY.

City, Gooding; State, Idaho; Airport Name, Gooding Municipal; Elev., 3729'; Fac. Class., BH; Ident., GNG; Procedure No. 1, Amdt. 4; Eff. Date, 22 Dec. 56; Sup. Amdt. No. 3; Dated, 30 June 50

|                       |          |             |      |           |       |       |        |
|-----------------------|----------|-------------|------|-----------|-------|-------|--------|
| Greenville LFR.....   | LOM..... | Direct..... | 2300 | T-dn..... | 300-1 | 300-1 | 200-½  |
| Tigerville Int**..... | LOM..... | Direct..... | 3200 | C-dn..... | 500-1 | 500-1 | 500-1½ |
| Honea Int.....        | LOM..... | Direct..... | 2200 | S-dn..... | 400-1 | 400-1 | 400-1  |
|                       |          |             |      | A-dn..... | 800-2 | 800-2 | 800-2  |

Procedure turn W side S crs, 182° Outbnd, 002° Inbnd, 2200' within 10 mi.

Minimum altitude over LOM inbnd final, 1600'.

Crs and distance to approach end of Runway at OM, 002°—3.6 mi; at MM, 002°—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 3200' on N crs GRL LFR within 10 miles, turn right and return to LOM or, when directed by ATC, climb to 4000' on N crs LFR within 13 miles, turn right and return to LFR.

CAUTION: Heavily obstructed missed approach area.

\*\*Tigerville Int: Int AVL-VOR R-190 and SPA-VOR R-270.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047'; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 2; Eff. Date, 3 June 61; Sup. Amdt. No. 1; Dated, 21 Nov. 59

|                     |                 |                   |      |              |       |       |        |
|---------------------|-----------------|-------------------|------|--------------|-------|-------|--------|
| PIE-VOR.....        | LOM.....        | Direct.....       | 1300 | T-dn.....    | 300-1 | 300-1 | *200-½ |
| TPA LFR.....        | LOM.....        | Direct.....       | 1500 | C-dn.....    | 500-1 | 500-1 | 500-1½ |
| All directions..... | Radar Site..... | Within 25 mi..... | 1500 | S-dn-18..... | 400-1 | 400-1 | 400-1  |
|                     |                 |                   |      | A-dn.....    | 800-2 | 800-2 | 800-2  |

Radar control must provide 1000' clearance when within 3 miles or 500' clearance when between 3-5 miles of radio antenna towers 861' MSL 12 mi SE and 1135' MSL 16 mi SE of airport.

Procedure turn W side North crs, 001° Outbnd, 181° Inbnd, 1200' within 10 mi.

Minimum altitude over facility on final approach crs, 700'.

Crs and distance, facility to airport, 181°—4.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, turn right to 225°, climb to 1500' on crs of 285° from TPA LFR within 20 miles or, when directed by ATC, climb to 1500' on direct crs to TPA LFR.

ARR CARRIER NOTES: 200-½ absolute minimum for takeoff Runway 27. Runway 14-32 closed to all air carrier operations.

CAUTION: 210' radio tower 1 mile WSW of airport.

\*1 mile visibility required all operations Runway 14-32.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27'; Fac. Class., LOM; Ident., TP; Procedure No. 1, Amdt. 13; Eff. Date, 3 June 61; Sup. Amdt. No. 12; Dated, 25 Oct. 58

## 3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

## VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition |     |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|------------|-----|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—      | To— | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|            |     |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |

|                   |              |             |      |            |       |       |        |
|-------------------|--------------|-------------|------|------------|-------|-------|--------|
| Key West LFR..... | EYW-VOR..... | Direct..... | 1300 | T-dn.....  | 300-1 | 300-1 | 200-½  |
|                   |              |             |      | C-dn.....  | 500-1 | 500-1 | 500-1½ |
|                   |              |             |      | A-dn*..... | 800-2 | 800-2 | 800-2  |

Procedure turn W side crs, 317° Outbnd, 137° Inbnd, 1300' within 10 mi. Beyond 10 mi NA.

Minimum altitude over facility on final approach crs, 600'.

Crs and distance, facility to airport, 137°—1.7.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, turn left, climb to 1500' on R-076 within 20 miles of EYW-VOR.

NOTE: Runway lighting available on request to EYW FSS.

\*Authorized as an alternate only during hours when approved weather service available. U.S. Weather Bureau service available from 0600-2200 EST only.

City, Key West; State, Fla.; Airport Name, International; Elev., 4'; Fac. Class., BVOR; Ident., EYW; Procedure No. 1, Amdt. 7; Eff. Date, 3 June 61; Sup. Amdt. No. 6; Dated, 26 Sept. 59

|                  |              |             |      |              |       |       |        |
|------------------|--------------|-------------|------|--------------|-------|-------|--------|
| Tulsa LFR.....   | TUL-VOR..... | Direct..... | 1900 | T-dn.....    | 300-1 | 300-1 | *200-½ |
| OWS RBN.....     | TUL-VOR..... | Direct..... | 1900 | C-dn.....    | 500-1 | 500-1 | 500-1½ |
| Haskell Int..... | TUL-VOR..... | Direct..... | 2200 | S-dn-26..... | 500-1 | 500-1 | 500-1  |
|                  |              |             |      | A-dn.....    | 800-2 | 800-2 | 800-2  |

Procedure turn N side of crs, 079° Outbnd, 259° Inbnd, 1900' within 10 mi. Beyond 10 mi. NA.

Minimum altitude over facility on final approach crs, 1900'.

Crs and distance, facility to airport, 260°—4.3 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2400' on R-288 within 20 miles, or when directed by ATC, climb to 2500' on R-236 within 20 mi.

CAUTION: Silos 1 mile West of VOR 881' MSL.

\*300-1 required on Rnwys 3L, 21R, 17R and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674'; Fac. Class., BVORTAC; Ident., TUL; Procedure No. 1, Amdt. 11; Eff. Date, 3 June 61; Sup. Amdt. No. 10; Dated, 7 Jan. 61



## 4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

## TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition   |         |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|--------------|---------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—        | To—     | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|              |         |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| PNT-VOR      | BMI-VOR | Direct              | 2300                    | T-dn                            | 300-1            | 300-1              | 200-1/2                                |
| Atlanta Int. | BMI-VOR | Direct              | 2300                    | C-dn                            | 500-1            | 500-1              | 500-1 1/2                              |
|              |         |                     |                         | S-dn-21                         | 500-1            | 500-1              | 500-1                                  |
|              |         |                     |                         | A-dn*                           | NA               | NA                 | NA                                     |

Procedure turn East side of crs, 040° Outbnd, 220° Inbnd, 2000' within 10 mi.

Minimum altitude on final approach crs, 1400'.

Crs and distance, breakoff point to Rwy 21, 212°—0.30 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of BMI-VOR, make immediate left turn climbing to 2300' on R-040 BMI-VOR within 10 miles.

CAUTION: 1296' TV tower 2.7 miles SW of VOR. Unlighted grain elevator 1000' MSL 1.5 miles NE of Rwy 21.

NOTE: All aircraft except scheduled air carrier obtain Peoria, Illinois weather prior to IFR approach.

\*AIR CARRIER NOTE: A-dn 800-2 authorized for air carriers with weather reporting available.

City, Bloomington; State, Ill.; Airport Name, Bloomington Municipal; Elev., 874'; Fac. Class., BVOR; Ident., BMI; Procedure No. TerVOR-21, Amdt. 1; Eff. Date, 3 June 61; Sup. Amdt. No. Orig.; Dated, 6 May 61

|  |  |  |  |          |        |        |           |
|--|--|--|--|----------|--------|--------|-----------|
|  |  |  |  | T-dn     | 300-1  | 300-1  | 300-1     |
|  |  |  |  | C-dn     | 700-1  | 700-1  | 700-1 1/2 |
|  |  |  |  | S-dn-29R | 700-1  | 700-1  | 700-1     |
|  |  |  |  | A-dn     | 1000-2 | 1000-2 | 1000-2    |

Procedure turn East side of crs, 107° Outbnd, 287° Inbnd, 2100' within 10 miles.

Minimum altitude over facility on final approach crs, 1100'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 3000' on R-017 within 10 mi.

CAUTION: Prohibited area 6 miles NW of airport.

City, Pasco; State, Wash.; Airport Name, Pasco; Elev., 401'; Fac. Class., BVOR; Ident., PSC; Procedure No. TerVOR-29R, Amdt. Orig.; Eff. Date, 3 June 61

|                                        |         |        |      |        |       |       |           |
|----------------------------------------|---------|--------|------|--------|-------|-------|-----------|
| Camden Int.                            | RID-VOR | Direct | 2400 | T-dn   | 300-1 | 300-1 | 200-1/2   |
| Arba VHF Int.                          | RID-VOR | Direct | 2400 | C-dn   | 500-1 | 500-1 | 500-1 1/2 |
|                                        |         |        |      | S-dn-6 | 500-1 | 500-1 | 500-1     |
|                                        |         |        |      | A-dn#  | NA    | NA    | NA        |
| If Int received, landing minimums are: |         |        |      |        |       |       |           |
|                                        |         |        |      | C-dn   | 400-1 | 500-1 | 500-1 1/2 |
|                                        |         |        |      | S-dn-6 | 400-1 | 400-1 | 400-1     |

Procedure turn South side of crs, 243° Outbnd, 063° Inbnd, 2400' within 10 miles.

Minimum altitude over facility on final approach crs, 1600'; over \*Int, 1600'.

Crs and distance, breakoff point to approach end of Runway, 054°—0.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make right climbing turn, climb to 2400' on R-063 within 10 mi of RID-VOR.

NOTE: All aircraft except scheduled air carrier obtain altimeter setting from Dayton, Ohio radio prior to IFR approach.

\*Int RID-VOR R-243 and 150° brng to RID "H" facility.

#AIR CARRIER NOTE: 800-2 authorized for those air carriers with weather reporting service.

City, Richmond; State, Ind.; Airport Name, Municipal; Elev., 1141'; Fac. Class., BVOR; Ident., RID; Procedure No. TerVOR-6, Amdt. 1; Eff. Date, 3 June 61; Sup. Amdt. No. Orig.; Dated, 18 Feb. 61

|             |         |        |      |          |       |       |           |
|-------------|---------|--------|------|----------|-------|-------|-----------|
| Jessey Int. | MVY-VOR | Direct | 2000 | T-dn     | 300-1 | 300-1 | 200-1/2   |
|             |         |        |      | C-dn     | 500-1 | 500-1 | 500-1 1/2 |
|             |         |        |      | S-dn-24* | 400-1 | 400-1 | 400-1     |
|             |         |        |      | A-dn**   | NA    | NA    | NA        |

Transition to final approach crs by radar vectoring is authorized at 1200' MSL (Otis RAPCON) when aircraft is within 20 miles (excludes noncontrolled airspace) of Otis APB RAPCON site.

Procedure turn East side of crs, 065° Outbnd, 245° Inbnd, 1200' within 10 mi.

Minimum altitude over facility on final approach crs, 500'.

Crs and distance, breakoff point to approach end of runway, 236°—0.75 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn to 1300', intercept and hold on R-195 MVY-VOR one-minute, left turns 015° inbnd.

\*Do not descend to landing minimums until past MVY RBn. If RBn not received, minimums of 600-1 will apply.

\*\*Alternate weather minimums of 800-2 authorized for those having an approved arrangement for weather service at the airport.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68'; Fac. Class., VOR; Ident., MVY; Procedure No. TerVOR-24, Amdt. 1; Eff. Date, 3 June 61; Sup. Amdt. No. Orig.; Dated, 15 Apr. 61

|             |         |        |      |         |       |       |           |
|-------------|---------|--------|------|---------|-------|-------|-----------|
| Jessey Int. | MVY-VOR | Direct | 2000 | T-dn    | 300-1 | 300-1 | 200-1/2   |
|             |         |        |      | C-dn    | 500-1 | 500-1 | 500-1 1/2 |
|             |         |        |      | S-dn-33 | 500-1 | 500-1 | 500-1     |
|             |         |        |      | A-dn    | NA    | NA    | NA        |

Procedure turn East side of crs, 157° Outbnd, 337° Inbnd, 1300' within 10 mi.

Minimum altitude over facility on final approach crs, 600'.

Crs and distance, facility to airport, 326°—0.43 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, make left climbing turn to 1300', intercept and hold on R-195 MVY-VOR, one minute pattern, left turns 015° inbnd.

NOTE: Alternate weather minimums of 800-2 authorized for those who have an approved arrangement for weather service at the airport.

City, Vineyard Haven; State, Mass.; Airport Name, Martha's Vineyard; Elev., 68'; Fac. Class., VOR; Ident., MVY; Procedure No. TerVOR-33, Amdt. 3; Eff. Date, 3 June 61; Sup. Amdt. No. 2; Dated 18 Feb. 61



## 5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition       |             |                     |                         | Ceiling and visibility minimums |                  |                    |
|------------------|-------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|
| From—            | To—         | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    |
|                  |             |                     |                         |                                 | 65 knots or less | More than 65 knots |
| Greenville LFR   | LOM         | Direct              | 2300                    | T-dn                            | 300-1            | 300-1              |
| Tigerville Int** | LOM         | Direct              | 3200                    | C-dn                            | 500-1            | 500-1              |
| Honea Int.       | LOM (Final) | Direct              | 2200                    | S-dn-36*                        | 300-3/4          | 300-3/4            |
|                  |             |                     |                         | A-dn                            | 600-2            | 600-2              |

Procedure turn W side S crs, 182° Outbnd, 002° Inbnd, 2200' within 10 miles.

Minimum altitude at G.S. Int inbnd, 2200'.

Altitude of G.S. and distance to appr end of rny at OM 2188°—3.6, at MM 1213°—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000' on N ers GRL-LFR and hold south of \*\*Tigerville Int.

CAUTION: Maximum angle glide slope, heavily obstructed missed approach area.

\*No approach lights, 400-3/4 required when glide slope not utilized.

\*\*Tigerville Int: Int AVL-VOR R-190 and SPA-VOR R-270.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047'; Fac. Class., ILS; Ident., I-GRL; Procedure No. ILS-36, Amdt. 6; Eff. Date, 3 June 61; Sup. Amdt. No. 5; Dated, 21 Nov. 59

|                 |                 |           |      |         |         |         |           |
|-----------------|-----------------|-----------|------|---------|---------|---------|-----------|
| Moline VOR      | LOM             | Direct    | 2000 | T-dn    | 300-1   | 300-1   | 200-1/2   |
| Moline LFR      | LOM             | Direct    | 2100 | C-dn    | 600-1   | 600-1   | 600-1 1/2 |
| Stockton Int**  | LOM (Final)     | Direct    | 1900 | S-dn-9* | 200-1/2 | 200-1/2 | 200-1/2   |
| Cordova VOR     | LOM             | 219°—22.6 | 2900 | A-dn    | 600-2   | 600-2   | 600-2     |
| Buffalo Int     | LOM             | Direct    | 2000 |         |         |         |           |
| Nichols Int***  | Stockton Int**  | Direct    | 2000 |         |         |         |           |
| Cordova VOR     | Green River Int | Direct    | 2100 |         |         |         |           |
| Green River Int | LOM             | Direct    | 2100 |         |         |         |           |

Procedure turn S side W crs, 266° Outbnd, 086° Inbnd, 1900' within 10 mi.

Minimum altitude at glide slope Int inbnd, 1900'.

Altitude of glide slope and distance to approach end of runway at OM—1807°—4.4; at MM 774°—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi after passing LOM, climb to 2100' on ers of 086° within 20 mi or, when directed by ATC, (1) Make left climbing turn, climb to 2600' and proceed to E crs MI-LFR or (2) Make right climbing turn to 2800' and proceed to MLI-VOR.

\*600-1 required when glide slope inoperative.

\*\*Stockton Int: Int W crs MLI-ILS and MLI-VOR R-310.

\*\*\*Nichols Int: Int W crs MLI-ILS and R-133 CID-VOR or R-099 IOW-VOR.

City, Moline; State, Ill.; Airport Name, Quad City; Elev., 590'; Fac. Class., ILS; Ident., I-MLI; Procedure No. ILS-9, Amdt. 9; Eff. Date, 3 June 61; Sup. Amdt. No. 8; Dated, 7 Jan. 61

|                                  |             |              |      |           |         |         |           |
|----------------------------------|-------------|--------------|------|-----------|---------|---------|-----------|
| Scotland RBN                     | LOM (Final) | Direct       | 1000 | T-dn*     | 300-1   | 300-1   | 200-1/2   |
| Radar Terminal Area Transitions: |             |              |      | C-dn      | 500-1   | 500-1   | 500-1 1/2 |
| All directions                   |             | Within 25 mi | 2500 | S-dn-4R** | 200-1/2 | 200-1/2 | 200-1/2   |
| E of NE-SW crs of LGA-LFR        |             | Within 15 mi | 1500 | A-dn      | 600-2   | 600-2   | 600-2     |

Procedure turn South side of crs, 223° Outbnd, 043° Inbnd, 1200' within 10 mi of LOM.

Minimum altitude at glide slope Int inbnd, 1000'.

Altitude of glide slope and distance to approach end of Rwny at OM, 747°—2.6 mi; at MM, 209°—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 500' on NE ers of ILS, then make a climbing right turn to 1500' and proceed to Lido RBN and hold SW.

Contact Idlewild approach control for further instructions.

CAUTION: Circling landing minimums do not provide standard clearance over airport control tower and stack 278' MSL 1.7 mi SSE of airport.

\*Runway Visual Range 2600' is also authorized for takeoff on Runway 4R in lieu of 200-1/2 when 200-1/2 authorized; providing associated high intensity runway lights are operational.

\*\*Runway Visual Range 2600' also authorized for landing on Runway 4R; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 212' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., ILS; Ident., IDL; Procedure No. ILS-4R, Amdt. 1; Eff. Date, 3 June 61; Sup. Amdt. No. Orig.; Dated, 7 Nov. 59

|                     |                 |        |      |             |         |         |           |
|---------------------|-----------------|--------|------|-------------|---------|---------|-----------|
| Woodland FM         | SVY RBN         | Direct | 3200 | T-dn* **    | 300-1   | 300-1   | 200-1/2   |
| La Center FM or Int | SVY RBN         | Direct | 3200 | C-dn%       | 700-1   | 700-1   | 700-1 1/2 |
| PO-LFR              | SVY RBN         | Direct | 3200 | S-dn-10# ## | 200-1/2 | 200-1/2 | 200-1/2   |
| Willamette FM       | SVY RBN         | Direct | 3200 | A-dn        | 700-2   | 700-2   | 700-2     |
| UBG VOR             | SVY RBN         | Direct | 3200 |             |         |         |           |
| PDX VOR             | SVY RBN         | Direct | 3200 |             |         |         |           |
| Scappoose Int       | SVY RBN (Final) | Direct | 3000 |             |         |         |           |
| St. Helens Int      | SVY RBN         | Direct | 3200 |             |         |         |           |
| North Plains Int    | SVY RBN         | Direct | 3200 |             |         |         |           |

RADAR transitions and vectoring using Portland RADAR authorized in accordance with approved RADAR patterns.

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200' within 10 mi of SVY-RBN. NA beyond 10 mi.

Minimum altitude at G.S. Int inbnd, 3000'.

Altitude of G.S. and distance to approach end of runway at SVY RBN, 3000°—9.4 mi; at OM, 1357°—3.9 mi; at MM, 280°—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100 on SE ers. to Gresham Int.

NOTE: Narrow localizer course—4°.

\*200-1/2 authorized Runways 10R/L and 28R/L only. 700-2 required on Runway 20.

#500-3/4 required when glide slope not used.

%CAUTION: 600' terrain 1.8 mi SE of airport.

\*\*Runway Visual Range 2600' also authorized for takeoff on Runway 10R in lieu of 200-1/2 when 200-1/2 authorized; provided high intensity runway lights are operational.

##Runway Visual Range (RVR) 2600' also authorized for landing on Runway 10R; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, middle compass locator, Sauvie Island RBN, and all related airborne equipment are in satisfactory operating condition. Descent below 223' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Portland; State, Oreg.; Airport Name, International; Elev., 23'; Fac. Class., ILS; Ident., I-PDX; Procedure No. ILS-10, Amdt. 9; Eff. Date, 3 June 61; Sup. Amdt. No. 8; Dated, 18 Feb. 61



## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition                           |                 |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|--------------------------------------|-----------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—                                | To—             | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|                                      |                 |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| PIE-VOR.....                         | LOM.....        | Direct.....         | 1300                    | T-dn.....                       | 300-1            | 300-1              | *200-1½                                |
| Tampa LFR.....                       | LOM.....        | Direct.....         | 1500                    | C-dn.....                       | 500-1            | 500-1              | 500-1½                                 |
| Int PIE-VOR R-038 and N crs ILS..... | LOM.....        | Direct.....         | 1200                    | S-dn-18**.....                  | 200-1½           | 200-1½             | 200-1½                                 |
| All directions.....                  | Radar Site..... | Within.....         | 1500                    | A-dn.....                       | 600-2            | 600-2              | 600-2                                  |

Radar control must provide 1000 ft. clearance when within 3 miles or 500 ft. clearance when between 3-5 miles of radio antenna towers 861' MSL 12 mi SE and 1135' MSL 16 mi SE of airport.

Procedure turn W side N crs, 001° Outbnd, 181° Inbnd, 1300' within 10 mi.

Minimum altitude at glide slope interception inbnd, 1300'.

Altitude of G.S. and distance to app end of rny at LOM, 1220-4.0; at MM, 220-0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right to 225°, climb to 1500' on R-080/R-260 PIE-VOR within 20 miles or, when directed by ATC, climb to 1500' on S crs of ILS or 181 crs from LOM within 20 miles.

AIR CARRIER NOTES: 200-1½ absolute minimum for takeoff Runway 27. Runway 14-32 closed to all air carrier operations.

CAUTION: 210' radio tower 1 mile WSW of airport.

\*1 mile visibility required all operations Runway 14-32.

\*\*400-¾ required when glide slope not utilized.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27'; Fac. Class., ILS; Ident., ITPA; Procedure No. ILS-18, Amdt. 13; Eff. Date, 3 June 61; Sup. Amdt. No. 12; Dated, 25 Oct. 58

|                                                    |                          |                   |      |              |       |       |         |
|----------------------------------------------------|--------------------------|-------------------|------|--------------|-------|-------|---------|
| TPA-LFR.....                                       | Dawson Int#.....         | Direct.....       | 1200 | T-dn.....    | 300-1 | 300-1 | *200-1½ |
| PIE-VOR.....                                       | Dawson Int#.....         | Direct.....       | 1500 | C-dn.....    | 500-1 | 500-1 | 500-1½  |
| Int S crs ILS and SW crs LFR or PIE-VOR R-121..... | Dawson Int# (Final)..... | Direct.....       | 1000 | S-dn-36..... | 400-1 | 400-1 | 400-1   |
| Int N crs ILS and PIE-VOR R-038.....               | Dawson Int#.....         | Direct.....       | 1300 | A-dn.....    | 800-2 | 800-2 | 800-2   |
| All directions.....                                | Radar Site.....          | Within 25 mi..... | 1500 |              |       |       |         |

Radar control must provide 1000' clearance when within 3 mi or 500' clearance when between 3-5 mi of radio antenna towers 861' MSL 12 mi SE and 1135' MSL 16 mi SE of airport.

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 1500' within 10 mi.

No glide slope. No markers. Altitude over Dawson Int# on final, 1000'.

Crs and distance, Dawson Int# to Runway 36, 001°-4.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, climb to 1200' on N crs of ILS within 20 miles.

CAUTION: 210' radio tower 1 mile WSW of airport.

AIR CARRIER NOTES: 200-1½ absolute minimum for takeoff Runway 27. Runway 14-32 closed to all air carrier operations.

\*1 mile visibility required all operations on Runway 14-32.

#Int S crs TPA ILS and PIE-VOR R-097 or 271° brng from TPA-LFR.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27'; Fac. Class., ILS; Ident., I-TPA; Procedure No. ILS-36, Amdt. 5; Eff. Date, 3 June 61; Sup. Amdt. No. 4; Dated, 25 Oct. 58

## 6. The radar procedures prescribed in § 609.500 are amended to read in part:

## RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition                                                            |     |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|-----------------------------------------------------------------------|-----|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—                                                                 | To— | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|                                                                       |     |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| Transition to GCA will be at 5000' NE-bnd from Adak LFR within 10 mi. |     |                     |                         | T-dn-36-05*-----                | 300-1            | 300-1              | 300-1                                  |
|                                                                       |     |                     |                         | T-dn-18*-----                   | 400-1            | 400-1              | 1000-2                                 |
|                                                                       |     |                     |                         | T-dn-23-----                    | 900-2            | 900-2              | 1000-2                                 |
|                                                                       |     |                     |                         | C-dn-All#-----                  | 900-2            | 900-2              | 1000-2                                 |
|                                                                       |     |                     |                         | S-dn-23-----                    | 300-1            | 300-1              | 300-1                                  |
|                                                                       |     |                     |                         | A-d-All-----                    | 1000-2           | 1000-2             | 1000-2                                 |
|                                                                       |     |                     |                         | A-n-----                        | 1000-3           | 1000-3             | 1000-3                                 |
|                                                                       |     |                     |                         |                                 |                  |                    |                                        |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left (east) climbing turn, returning to NUD-LFR. Continue climb to 3100' or higher outbound on NE crs within 15 miles. Continue climbing. Reverse course (make turn N of crs) to cross LFR 5000' inbound. Hold 5000' on SW crs, 2-minute pattern.

NOTE: Airport closed to all civil traffic, except in emergencies or with prior approval of U.S. Navy.

CAUTION: Hazardous obstructions adjacent to Runway 23 and in immediate vicinity of airport.

#If GCA track-out not utilized, day and night takeoff minima, Runway 5-300-1; all others, 900-2 for two-engine or less, 1000-2 for more than two engine.

\*Maneuvering WSW through N of airport for circling approaches not authorized due to terrain and obstructions to 1250'.

City, Adak; State, Alaska; Airport Name, Adak Naval Station; Elev., 17'; Fac. Class., Adak; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 3 June 61; Sup. Amdt. No. Orig.; Dated, 6 May 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on May 2, 1961.

OSCAR BAKKE,  
Director, Bureau of Flight Standards.

[F.R. Doc. 61-4180; Filed, May 24, 1961; 8:45 a.m.]



## RULES AND REGULATIONS

[Reg. Docket No. 742; Amdt. 220]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

## LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition     |                 |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|----------------|-----------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—          | To—             | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|                |                 |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| Salem VOR      | DTW LFR         | Direct              | 2000                    | T-dn                            | 300-1            | 300-1              | 200-1/2                                |
| Willow Run LOM | DTW LFR (Final) | Direct              | 1500                    | C-dn                            | 500-1            | 500-1              | 500-1 1/2                              |
| CRL-VOR        | DTW LFR         | Direct              | 2000                    | A-dn                            | 800-2            | 800-2              | 800-2                                  |
| Windsor VOR    | DTW LFR         | Direct              | 2300                    |                                 |                  |                    |                                        |

Radar vectoring authorized in accordance with approved patterns.

Procedure turn S side W crs, 261° Outbnd, 081° Inbnd, 2000' within 10 ml.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 107°—1.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 ml, make right turn, climb to 2300' on SE crs DTW LFR within 15 miles or, when directed by ATC, (1) make left turn, climb to 2000', proceed to FRD RBN; (2) make left turn, climb to 2300', return to DTW LFR; (3) climb to 2000', proceed to DTW LOM.

Aircraft executing missed approach may, after being reidentified, be radar controlled.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639'; Fac. Class., SBRAZ; Ident., DTW; Procedure No. 1, Amdt. 10; Eff. Date, 10 June 61; Sup. Amdt. No. 9; Dated, 31 May 56

|  |  |  |  |      |        |        |        |
|--|--|--|--|------|--------|--------|--------|
|  |  |  |  | T-dn | 500-1  | 500-1  | 500-1  |
|  |  |  |  | C-dn | 900-2  | 900-2  | 900-2  |
|  |  |  |  | S-dn | NA     | NA     | NA     |
|  |  |  |  | A-dn | 1200-2 | 1200-2 | 1200-2 |

Procedure turn N side NW crs, 283° Outbnd, 103° Inbnd, 3000' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 081°—1.3 ml.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climbing to 4000' on NW crs (283°) within 20 miles.

NOTE: This procedure not approved for ADF approach.

CAUTION: Maneuvering SE of airport NA due to terrain. Hill 2338' MSL 1.6 miles SE of airport. Mountain range NE through SW of airport. After takeoff, proceed immediately to Farewell LFR.

\*Left turn off runways 08 and 35. Right turn off runway 17.

City, Farewell; State, Alaska; Airport Name, Farewell; Elev., 1538'; Fac. Class., BMRLZ; Ident., FWL; Procedure No. 1, Amdt. 5; Eff. Date, 10 June 61; Sup. Amdt. No. 4; Dated, 2 July 55

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition         |             |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|--------------------|-------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—              | To—         | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|                    |             |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| Atlanta LFR        | LOM         | Direct              | 2200                    | T-dn                            | 300-1            | 300-1              | 200-1/2                                |
| Atlanta VOR        | LOM         | Direct              | 2200                    | C-dn                            | 400-1            | 500-1              | 500-1 1/2                              |
| Harrison Int.      | LOM         | Direct              | 3000                    | S-dn-9                          | 400-1            | 500-1              | 500-1                                  |
| Chattahoochee Int. | LOM (Final) | Direct              | 2000                    | A-dn                            | 800-2            | 800-2              | 800-2                                  |
| Raymond Int.       | LOM         | Direct              | 2100                    |                                 |                  |                    |                                        |

Radar terminal area transition altitudes: 0°-360° within 25 ml, 3000'; 070°-290° within 15 ml, 2200'.

All bearings are from radar site with sector azimuths progressing clockwise.

Procedure turn S side W crs, 268° Outbnd, 088° Inbnd, 2300' within 10 miles.

Minimum altitude over LOM inbnd final, 2000'.

Crs and distance, LOM to airport, 088°—4.1 ml.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2200' on crs 089° within 20 miles.

CAUTION: 1182' tower 1/4 mile W of airport.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., LOM; Ident., AT; Procedure No. 1, Amdt. 21; Eff. Date, 10 June 61; Sup. Amdt. No. 20; Dated, 20 Apr. 61



## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition         |                  |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|--------------------|------------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—              | To—              | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|                    |                  |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| ATL VOR.....       | LOM.....         | Direct.....         | 2200                    | T-dn.....                       | 300-1            | 300-1              | 200-1½                                 |
| MDU VOR.....       | LOM (Final)..... | Direct.....         | 2000                    | C-dn.....                       | 400-1            | 500-1              | 500-1½                                 |
| Stone Mt. Int..... | LOM.....         | Direct.....         | 2700                    | S-dn-33.....                    | 400-1            | 400-1              | 400-1                                  |
| Tucker Int.....    | LOM.....         | Direct.....         | 3000                    | A-dn.....                       | 800-2            | 800-2              | 800-2                                  |
| Harrison Int.....  | LOM.....         | Direct.....         | 3000                    |                                 |                  |                    |                                        |

Radar Terminal transition altitudes: 0°-360° within 25 mi, 3000'; 070°-290° within 15 mi, 2200'. All bearings are from radar site with sector azimuths progressing clockwise. Procedure turn East side SE crs, 149° Outbnd, 329° Inbnd, 2200' within 10 miles. Beyond 10 miles NA. Minimum altitude over facility on final approach crs, 2000'. Crs and distance, facility to airport, 329°-4.5 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi of LOM, turn left, climb to 3000' on crs of 269° from ATL LOM (Ident AT) within 15 mi of ATL LOM. CAUTION: 1182' tank ¾ mi W of airport.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., LOM; Ident., AZ; Procedure No. 2, Amdt. 2; Eff. Date, 10 June 61; Sup. Amdt. No. 1; Dated, 22 Apr. 61

|                                                    |          |                   |       |                |       |       |        |
|----------------------------------------------------|----------|-------------------|-------|----------------|-------|-------|--------|
| Boston LFR to LOM.....                             | LOM..... | Direct.....       | 1800  | T-dn%.....     | 300-1 | 300-1 | 200-1½ |
| East Boston Int to LOM.....                        | LOM..... | Direct.....       | 1500  | C-dn.....      | 600-1 | 600-1 | 600-1½ |
| Franklin Int to Brng 035° to LOM*.....             | LOM..... | 085-12.4.....     | 1800  | S-dn-4L-R..... | 600-1 | 600-1 | 600-1  |
| Bedford RBN to LOM.....                            | LOM..... | Direct.....       | 2300  | A-dn.....      | 800-2 | 800-2 | 800-2  |
| Radar Terminal Area Transitions to Radar Site..... |          | Within 25 mi..... | @1800 |                |       |       |        |

Procedure turn East side of South crs, 215° Outbnd, 035° Inbnd, 1800' within 10 mi. Minimum altitude over facility on final approach crs, 1600'. Crs and distance, facility to airport, 035°-5.6 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 1300' on crs 035° from LOM within 15 miles or, when directed by ATC, make a right turn to 1500' on East crs Boston LFR. CAUTION: Straight-in and circling minimums do not provide standard clearance over 370' stacks SW of airport. 1349' TV tower 10.5 mi W of airport. NOTE: All fixes may be determined and supplemented by surveillance radar. %Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Rny 27 make left or right turn as soon as practicable and departures from Rnys 22 and 33 climb straight ahead to at least 1000' prior to proceeding toward 1349' WBZ-TV tower. @Except 2300' when more than 6 mi from airport between SW and NW courses of Boston LFR. \*Final authorized after interception of final approach course inbound.

City, Boston; State, Mass.; Airport Name, Logan; Elev., 19'; Fac. Class., LOM; Ident., BO; Procedure No. 1, Amdt. 10; Eff. Date, 10 June 61; Sup. Amdt. No. 9; Dated, 7 Feb. 59

|                      |          |             |      |               |       |       |        |
|----------------------|----------|-------------|------|---------------|-------|-------|--------|
| Morton Int.....      | LOM..... | Direct..... | 2500 | T-dn.....     | 300-1 | 300-1 | 200-1½ |
| NBU-LFR.....         | LOM..... | Direct..... | 2500 | C-dn.....     | 400-1 | 500-1 | 500-1½ |
| MDW LOM.....         | LOM..... | Direct..... | 2500 | S-dn-14R..... | 400-1 | 400-1 | 400-1  |
| ORD-VOR.....         | LOM..... | Direct..... | 2500 | A-dn.....     | 800-2 | 800-2 | 800-2  |
| OBK-VOR.....         | LOM..... | Direct..... | 2500 |               |       |       |        |
| Spring Lake Int..... | LOM..... | Direct..... | 2500 |               |       |       |        |
| Crystal Int.....     | LOM..... | Direct..... | 2500 |               |       |       |        |
| Elgin Int.....       | LOM..... | Direct..... | 2500 |               |       |       |        |

Radar vectoring authorized in accordance with approved patterns. Procedure turn West side of crs, 318° Outbnd, 138° Inbnd, 2200' within 10 mi. Minimum altitude over LOM on final approach crs, 2000'. Crs and distance, facility to airport, 138°-5.4 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, make immediate left (North) turn, climb to 2500', proceed to NBU-LFR via 030° crs and SE crs NBU-LFR, or, when directed by ATC, (1) Make right turn after passing LMM, climb to 2000' on ORD-VOR R-250, then make right climbing turn to 2500' and proceed to Elgin Int via ORD-VOR R-271, (2) Make immediate left turn climb to 2500' and proceed to the Northbrook VOR via ORD-VOR R-030 and OBK-VOR R-135, (3) Make immediate left turn climb to 2500' and proceed to Morton Int via ORD-VOR R-076. NOTES: Aircraft executing missed approach may, after being reidentified, be radar controlled. Runway 14R, LOM designated ROMEO; Runway 14L, LOM designated LIMA. CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding Westbnd on V-172. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-302 and climb to 2000' before proceeding Westbnd on V-172. \*Evanston Int: Int R-075 ORD and R-135 OBK.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 3; Eff. Date, 10 June 61; Sup. Amdt. No. 2; Dated, 27 Feb. 60

|                      |          |             |      |               |       |       |        |
|----------------------|----------|-------------|------|---------------|-------|-------|--------|
| ORD-VOR.....         | LOM..... | Direct..... | 2500 | T-dn.....     | 300-1 | 300-1 | 200-1½ |
| OBK-VOR.....         | LOM..... | Direct..... | 2500 | C-dn.....     | 400-1 | 500-1 | 500-1½ |
| NBU-LFR.....         | LOM..... | Direct..... | 2500 | S-dn-14L..... | 400-1 | 400-1 | 400-1  |
| Midway LOM.....      | LOM..... | Direct..... | 2500 | A-dn.....     | 800-2 | 800-2 | 800-2  |
| Morton Int.....      | LOM..... | Direct..... | 2500 |               |       |       |        |
| Spring Lake Int..... | LOM..... | Direct..... | 2500 |               |       |       |        |
| Elgin Int.....       | LOM..... | Direct..... | 2500 |               |       |       |        |
| Crystal Int.....     | LOM..... | Direct..... | 2500 |               |       |       |        |

Radar vectoring authorized in accordance with approved patterns. Procedure turn West side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 mi. Minimum altitude over LOM on final approach crs, 2000'. Crs and distance, facility to airport, 138°-5.7 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, make immediate left turn, climb to 2500' or higher altitude specified by ATC and proceed to NBU-LFR via 030° crs and SE crs NBU-LFR or, when directed by ATC, (1) make immediate left turn, climb to 2500', proceed to Morton Int via ORD-VOR R-076, (2) make immediate left turn, climb to 2500' and proceed to Northbrook VOR via ORD-VOR R-030 and OBK-VOR R-135. NOTES: 1. Aircraft executing missed approach may, after being reidentified, be radar controlled. 2. Runway 14R, LOM designated ROMEO; Runway 14L, LOM designated LIMA. CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd on V-172. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-302 and climb to 2000' before proceeding westbnd on V-172.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., LOM; Ident., OII; Procedure No. 2, Amdt. 1; Eff. Date, 10 June 61; Sup. Amdt. No. 1; Dated, 22 Aug. 59



## RULES AND REGULATIONS

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition    |             |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|---------------|-------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—         | To—         | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|               |             |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| Rockwood Int. | LOM         | Direct              | 2000                    | T-dn                            | 300-1            | 300-1              | 200-1½                                 |
| Salem VOR     | LOM         | Direct              | 2000                    | C-dn                            | 400-1            | 500-1              | 500-1½                                 |
| Carleton VOR  | LOM (Final) | Direct              | 1500                    | S-dn-3L-R                       | 400-1            | 400-1              | 400-1                                  |
| YIP LOM       | LOM         | Direct              | 2000                    | A-dn                            | 800-2            | 800-2              | 800-2                                  |
| Detroit LFR   | LOM         | Direct              | 2000                    |                                 |                  |                    |                                        |
| Creek Int*    | LOM (Final) | Direct              | 1500                    |                                 |                  |                    |                                        |
| Dundee Int.   | LOM         | Direct              | 2000                    |                                 |                  |                    |                                        |
| Dundee Int.   | Creek Int*  | Via R-250 CRL-VOR.  | 2000                    |                                 |                  |                    |                                        |

Radar vectoring authorized in accordance with approved patterns.

Procedure turn East side of crs, 212° Outbnd, 032° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to Runway 3L, 032°—4.3 mi; to Runway 3R, 040°—4.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of LOM, make right turn, climb to 2300' and proceed direct to the Grosse Isle RBN or, when directed by ATC, (1) Make right turn, climb to 2300' and proceed to Park Int via QG-VOR R-264, or (2) Make right turn, climb to 2300' and proceed to Rockwood Int via SVM-VOR R-143.

Aircraft executing missed approach may, after being reidentified, be radar controlled.

\*Int CRL-VOR R-250 and SW crs DTW ILS and Brng 032° to DT LOM.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639'; Fac. Class., LOM; Ident., DT; Procedure No. 1, Amdt. 7; Eff. Date, 10 June 61; Sup. Amdt. No. 6; Dated, 26 Dec. 59

|                      |                         |               |      |               |       |       |        |
|----------------------|-------------------------|---------------|------|---------------|-------|-------|--------|
| Dundee Int.          | Mooreville Int*         | Via VWV R-357 | 2000 | T-dn          | 300-1 | 300-1 | 200-1½ |
| Dundee Int.          | LOM                     | Direct        | 2000 | C-dn          | 400-1 | 500-1 | 500-1½ |
| Mooreville Int*      | LOM (Final)             | Direct        | 1500 | S-dn-5R and L | 400-1 | 400-1 | 400-1  |
| Detroit LFR          | LOM                     | Direct        | 2000 | A-dn          | 800-2 | 800-2 | 800-2  |
| Salem VOR            | LOM                     | Direct        | 2000 |               |       |       |        |
| Express Int.         | LOM                     | Direct        | 2000 |               |       |       |        |
| Bridgewater VHF Int. | LOM                     | Direct        | 2000 |               |       |       |        |
| Bridgewater VHF Int. | Mooreville Int* (Final) | Via CRL R-290 | 2000 |               |       |       |        |

Radar vectoring authorized in accordance with approved patterns.

Procedure turn West side of crs, 230° Outbnd, 050° Inbnd, 2000' within 10 mi.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 050°—5.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles of LOM, climb to 2700' on crs 050° to Ford RBN or, when directed by ATC, (1) Climb to 2700' on NE crs ILS to Rouge Int, or (2) Make left turn, climb to 2500' to Salem VOR on R-170, or (3) Make right turn, climb to 2300' and proceed direct to DTW LFR.

Aircraft executing missed approach may, after being reidentified, be radar controlled.

\*Int of 050° brng to LOM and CRL-VOR R-290.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class., LOM; Ident., YI; Procedure No. 1, Amdt. 13; Eff. Date, 10 June 61; Sup. Amdt. No. 12; Dated, 5 Nov. 60

|                  |                              |        |      |                |       |       |        |
|------------------|------------------------------|--------|------|----------------|-------|-------|--------|
| Detroit LFR      | FRD RBN or Ford Int*         | Direct | 2700 | T-dn           | 300-1 | 300-1 | 200-1½ |
| Salem VOR        | FRD RBN or Ford Int*         | Direct | 2700 | C-dn           | 400-1 | 500-1 | 500-1½ |
| Bridgewater Int. | FRD RBN or Ford Int*         | Direct | 2700 | S-dn-23R and L | 400-1 | 400-1 | 400-1  |
| Rouge Int.       | FRD RBN or Ford Int* (Final) | Direct | 1700 | A-dn           | 800-2 | 800-2 | 800-2  |
| Belle Int.       | Rouge Int.                   | Direct | 2700 |                |       |       |        |
| Dundee Int.      | FRD RBN or Ford Int*         | Direct | 2700 |                |       |       |        |

Radar vectoring authorized in accordance with approved patterns.

Procedure turn, N side of crs, 050° Outbnd, 230° Inbnd, 2700' within 10 miles.

Minimum altitude over facility on final approach crs, 1700'.

Crs and distance, facility to Runway 23L, 230°—3.9 mi; to Runway 23R, 231°—4.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi of Ford RBN, climb to 2300', proceed to DTW LOM or, when directed by ATC, (1) climb to 2000' on W crs Detroit LFR within 20 miles, (2) climb to 2300', proceed to YIP LOM, (3) make left turn, climbing to 2000', proceed to CRL VOR.

Aircraft executing missed approach may, after being reidentified, be radar controlled.

CAUTION: Tower 1749' 15 mi NE Ford RBN.

\*Int NE crs YIP ILS and SVM VOR R-143.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class., MHW; Ident., FRD; Procedure No. 2, Amdt. 9; Eff. Date, 10 June 61; Sup. Amdt. No. 8; Dated, 11 Feb. 61

|                    |         |        |      |      |       |       |        |
|--------------------|---------|--------|------|------|-------|-------|--------|
| EVE-LFR            | SZI-RBN | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-1½ |
| Hobart FM          | SZI-RBN | Direct | 4000 | C-dn | 800-2 | 800-2 | 800-2  |
| Black Diamond Int. | SZI-RBN | Direct | 3000 | A-dn | 800-2 | 800-2 | 800-2  |
| SJ-LFR             | SZI-RBN | Direct | 2000 |      |       |       |        |
| SEA-VOR            | SZI-RBN | Direct | 2000 |      |       |       |        |
| Burton Int.        | SZI-RBN | Direct | 2000 |      |       |       |        |
| Vashon Int.        | SZI-RBN | Direct | 2000 |      |       |       |        |
| Port Gamble Int.   | SZI-RBN | Direct | 2000 |      |       |       |        |
| Lofall Int.        | SZI-RBN | Direct | 2000 |      |       |       |        |

Radar transitions and vectoring using Seattle-Tacoma Radar authorized in accordance with approved radar patterns.

Procedure turn S side of crs, 114° Outbnd, 294° Inbnd, 2000' within 10 mi. NA beyond 10 mi.

Minimum altitude over SJ-LFR/Z on final approach crs, 1400'.

Crs and distance, SJ-LFR/Z to airport, 294°—2.1 mi. SZI-RBN on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SJ-LFR/Z, climb to 2000' on crs 291° within 10 mi of SZI-RBN.

CAUTION: 606' MSL tank 3 miles W, 578' MSL tower 3½ miles NW, and 556' MSL tank 2.3 miles E of airport.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17'; Fac. Class., MHW; Ident., SZI; Procedure No. 3, Amdt. Orig.; Eff. Date, 10 June 61



## 3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

## VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition |     |                     |                         | Ceiling and visibility minimums |                  |                    |
|------------|-----|---------------------|-------------------------|---------------------------------|------------------|--------------------|
| From—      | To— | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    |
|            |     |                     |                         |                                 | 65 knots or less | More than 65 knots |
|            |     |                     |                         | T-d.....                        | 2000-1           | 2000-1             |
|            |     |                     |                         | C-d.....                        | 2000-2           | 2000-2             |
|            |     |                     |                         | A-d.....                        | 2000-2           | 2000-2             |

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 5500' within 10 mi.  
Minimum altitude over facility on final approach crs, VOR 5000—Hendersonville Int 4100'.  
Crs and distance, facility to airport, VOR to Hendersonville Int 245°—7.6 mi\*.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 mi turn left, climb SE to 5000' on R-310 of the Spartanburg VOR within 20 mi of Hendersonville Int Night Operation NA.  
AIR CARRIER NOTES: No reduction in landing or takeoff minima.  
NOTE: Hendersonville Int: Int SPA-VOR R-310 and AVL-VOR R-245.  
\*From Hendersonville Int proceed to airport VFR via crs of 310°.

City, Asheville; State, N.C.; Airport Name, Asheville-Municipal; Elev., 2161'; Fac. Class., BVORTAC; Ident., AVL; Procedure No. 1, Amdt. 4; Eff. Date, 10 June 61; Sup. Amdt. No. 3; Dated, 16 June 56

|                    |                    |             |      |           |       |       |        |
|--------------------|--------------------|-------------|------|-----------|-------|-------|--------|
| SBY-VOR.....       | Snow Hill VOR..... | Direct..... | 1200 | T-dn..... | 300-1 | 300-1 | 200-1½ |
| Crisfield Int..... | Snow Hill VOR..... | Direct..... | 1300 | C-d.....  | 500-1 | 500-1 | 500-1½ |
|                    |                    |             |      | C-n.....  | 500-2 | 500-2 | 500-2  |
|                    |                    |             |      | S-dn..... | NA    | NA    | NA     |
|                    |                    |             |      | A-dn..... | NA    | NA    | NA     |

Procedure turn West side of crs, 009° Outbnd, 189° Inbnd, 1200' within 10 mi.  
Minimum altitude over facility on final approach crs, 1100'.  
Crs and distance, facility to airport, 189°—6.5 mi.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles, make right (West) turn, climb to 1300' and return to Snow Hill VOR. Hold NE R-035, one-minute, left turns.  
CAUTION: R-45 Restricted Area directly South of NASA Wallops Island Station Airport.  
NOTES: 1. Weather observations Monday through Friday only. 2. Clearance and void time must be obtained by commercial telephone prior to takeoff in IFR conditions.

City, Chincoteague; State, Va.; Airport Name, NASA Wallops Island; Elev., 38'; Fac. Class., BVOR; Ident., SWL; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 June 61

|                  |              |             |      |              |       |       |        |
|------------------|--------------|-------------|------|--------------|-------|-------|--------|
| Spencer Int..... | LWS-VOR..... | Direct..... | 6500 | T-dn.....    | 300-1 | 300-1 | 300-1  |
|                  |              |             |      | C-dn.....    | 500-1 | 500-1 | 500-1½ |
|                  |              |             |      | S-dn-25..... | 500-1 | 500-1 | 500-1  |
|                  |              |             |      | A-dn.....    | 800-2 | 800-2 | 800-2  |

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 4800' within 10 miles.  
Minimum altitude over facility on final approach crs, 3000'.  
Crs and distance, facility to airport, 245°—5.8 mi.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles, make left turn, climb to 4800' on R-234 within 15 miles of LWS-VOR.

City, Lewiston; State, Idaho; Airport Name, Lewiston-Nez Perce County; Elev., 1438'; Fac. Class., VOR; Ident., LWS; Procedure No. 1, Amdt. Orig.; Eff. Date, 10 June 61, or on com. of facility

## 4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition                           |                   |                     |                         | Ceiling and visibility minimums |                  |                    |
|--------------------------------------|-------------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|
| From—                                | To—               | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    |
|                                      |                   |                     |                         |                                 | 65 knots or less | More than 65 knots |
| Boston LFR.....                      | LOM.....          | Direct.....         | 1800                    | T-dn%.....                      | 300-1            | 300-1              |
| East Boston Int.....                 | LOM.....          | Direct.....         | 1500                    | C-dn.....                       | *500-1           | 600-1              |
| Franklin Int.....                    | ILS SW crs**..... | 085-12.4.....       | 1800                    | S-dn-4R%.....                   | #200-½           | #200-½             |
| Bedford RBN.....                     | LOM.....          | Direct.....         | 2300                    | A-dn.....                       | 600-2            | 600-2              |
| Radar terminal area transitions..... | Radar Site.....   | Within 25 mi.....   | @1800                   |                                 |                  |                    |

Procedure turn E side S crs, 215° Outbnd, 035° Inbnd, 1800' within 10 mi.  
Minimum altitude at glide slope Int Inbnd, 1800'.  
Altitude of glide slope and distance to appr end of rny at OM, 1790'—5.6 mi.; at MM, 270'—0.8 mi.  
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb to 1300' on NE crs ILS within 15 mi or, when directed by ATC, make a climbing right turn to 1500' on East crs of Boston LFR.  
CAUTION: ILS point of touchdown approx. 3500' in from approach end of runway pavement to allow clearance of ship channel. 1349' TV tower 10.5 mi W of airport. Circling minimums do not provide standard clearance over 370' stack SW of airport.

NOTE: All fixes may be determined and supplemented by surveillance radar.  
%Except where radar vectoring is used, and when weather is 1000-3 or below, departures from Rny 27 make left or right turn as soon as practicable, and departures from Rnys 22 and 33 climb straight ahead to at least 1000' prior to proceeding toward 1349' WBZ-TV tower.

\*Runway Visual Range 2600' is also authorized for takeoff on Runway 4R in lieu of 200-½ when 200-½ authorized; providing associated high-intensity runway lights are operational.

†Ceiling 200' and Runway Visual Range 2600' also authorized for landing on Runway 4R; provided that all components of the ILS and all related airborne equipment are in satisfactory operating condition.

#400-¾ required with glide slope inoperative.

@Except 2300' when more than 6 miles from airport between SW & NW crs of BOS LFR.

\*600-1 required when circling W of airport.

\*\*Final authorized after interception of final approach course inbound.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19'; Fac. Class., ILS; Ident., I-BOS; Procedure No. 1LS-4R, Amdt. 12; Eff. Date, 10 June 61; Sup. Amdt. No. 11; Dated, 12 Mar. 60



## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition         |                         |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|--------------------|-------------------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—              | To—                     | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|                    |                         |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| Ascot Int.         | Brecksville MHW         | Direct              | 3000                    | T-dn                            | 300-1            | 300-1              | 200-1/4                                |
| Cleveland VOR      | Brecksville MHW         | Direct              | 3000                    | C-dn                            | 400-1            | 500-1              | 500-1/4                                |
| Euclid Int.        | Brecksville MHW (Final) | Direct              | 3000                    | S-dn-27R*                       | 300-3/4          | 300-3/4            | 300-3/4                                |
| Chagrin Falls Int. | Brecksville MHW (Final) | Direct              | 3000                    | A-dn                            | 600-2            | 600-2              | 600-2                                  |

Radar transition and vectoring authorized in accordance with approved radar patterns.

Procedure turn North side of crs, 097° Outbnd, 277° Inbnd, 3000' within 10 mi of Brecksville RBn.

Minimum altitude at Glide Slope interception Inbnd, 3000'.

Altitude of Glide Slope and distance to approach end of Runway at OM, 2210'—4.3 mi; at MM, 1031'—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of Cleveland OM, proceed to the Cleveland VOR, climbing to 2000'. Hold on R-278, one-minute, left turns.

\*400-1 required with Glide Slope inoperative.

City, Cleveland; State, Ohio; Airport Name, Hopkins; Elev., 789'; Fac. Class., ILS; Ident., I-CEE; Procedure No. ILS-27R, Amdt. 1; Eff. Date, 10 June 61; Sup. Amdt. No. Orig.; Dated, 13 May 61

|                  |     |        |      |           |         |         |         |
|------------------|-----|--------|------|-----------|---------|---------|---------|
| ORD-VOR          | LOM | Direct | 2500 | T-dn#     | 300-1   | 300-1   | 200-1/4 |
| Northbrook VOR   | LOM | Direct | 2500 | C-dn      | 400-1   | 500-1   | 500-1/4 |
| NBU-LFR          | LOM | Direct | 2500 | S-dn-14R* | 200-1/4 | 200-1/4 | 200-1/4 |
| MDW-LOM          | LOM | Direct | 2500 | A-dn      | 600-2   | 600-2   | 600-2   |
| Morton Int.      | LOM | Direct | 2500 |           |         |         |         |
| Spring Lake Int. | LOM | Direct | 2500 |           |         |         |         |
| Elgin Int.       | LOM | Direct | 2500 |           |         |         |         |
| Crystal Int.     | LOM | Direct | 2500 |           |         |         |         |

Radar vectoring authorized in accordance with approved patterns.

Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2200' within 10 miles.

Minimum altitude at Glide Slope Int Inbnd, 2200'.

Altitude of Glide Slope and distance to approach end of runway at LOM, 2132'—5.3 mi; at LMM, 861'—0.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn after passing the LMM, climb to 2000' on ORD-VOR R-250, then make right climbing turn to 2500' and proceed to Elgin Int via ORD-VOR R-271 or, when directed by ATC, (1) make immediate left turn, climb to 2500' and proceed to Northbrook VOR via ORD-VOR R-030 and OBK-VOR R-135, (2) make immediate left turn, climb to 2500', proceed to Morton Int via ORD-VOR R-076, (3) make immediate left turn, climb to 2500', proceed to NBU-LFR via 030° crs and SE crs NBU-LFR.

NOTE: Aircraft executing missed approach may, after being reidentified be radar controlled.

NOTE: Simultaneous Parallel ILS Approach Study being conducted to Runways 14R and 14L, when WX is 2600-3 or better with pilot's concurrence. Runwy 14R LOM designated "ROMEO"; Runwy 14L LOM designated "LIMA".

CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding Westbnd on V-172.

Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-302 and climb to 2000' before proceeding Westbnd on V-172.

\*Runway Visual Range of 2600' also authorized for landing on Runway 14R; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 867' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

#Runway Visual Range 2600' authorized for takeoff in lieu of 200-1/4 when 200-1/4 is authorized, providing high intensity runway lights are in satisfactory operating condition.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS-14R, Amdt. 5; Eff. Date, 10 June 61; Sup. Amdt. No. 4; Dated, 29 Oct. 60

|               |                    |                |      |           |         |         |         |
|---------------|--------------------|----------------|------|-----------|---------|---------|---------|
| Detroit LFR   | LOM                | Direct         | 2000 | T-dn**    | 300-1   | 300-1   | 200-1/4 |
| Salem VOR     | LOM                | Direct         | 2000 | C-dn      | 400-1   | 500-1   | 500-1/4 |
| Carleton VOR  | LOM (Final)        | Direct         | 2000 | S-dn-3L** | 200-1/4 | 200-1/4 | 200-1/4 |
| Rockwood Int. | LOM                | Direct         | 2000 | S-dn-3R#  | 400-1   | 400-1   | 400-1   |
| YIP LOM       | LOM                | Direct         | 2000 | A-dn      | 600-2   | 600-2   | 600-2   |
| Creek Int*    | LOM (Final)        | Direct         | 2000 |           |         |         |         |
| Carleton VOR  | LOM (Final)        | Direct         | 2000 |           |         |         |         |
| Dundee Int.   | LOM                | Direct via CRL | 2000 |           |         |         |         |
| Dundee Int.   | Creek Int (Final)* | R-250          | 2000 |           |         |         |         |

Radar vectoring authorized in accordance with approved patterns.

Procedure turn East side of crs, 212° Outbnd, 032° Inbnd, 2000' within 10 miles.

Minimum altitude at G.S. int Inbnd, 2000'.

Altitude of G.S. and distance to approach end of rny at LOM, 2016'—4.3 mi; at LMM, 870'—0.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn, climb to 2300', proceed to Park Int via R-264 Windsor VOR or, when directed by ATC, make right 180° turn, climb to 2300' and proceed to Rockwood Int via R-143 SVM.

Aircraft executing missed approach may, after being reidentified, be radar controlled.

#Crs and distance, OM to Rny 3R, 040°—4.6 mi.

\*Creek Int: Int CRL-VOR R-250 & SW crs DTW ILS.

\*\*Runway visual range of 2600' authorized for takeoff in lieu of 200-1/4 when 200-1/4 is authorized, providing high intensity runway lights are in satisfactory operating condition.

\*\*\*Runway visual range 2500' also authorized for landing on Runway 3L; provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are operating satisfactory. Descent below the authorized landing minimum altitude of 539' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639'; Fac. Class., ILS; Ident., I-DTW; Procedure No. ILS-3L-R, Amdt. 6; Eff. Date, 10 June 61; Sup. Amdt. No. 5; Dated, 18 Mar. 61



## ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition               |                               |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|--------------------------|-------------------------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—                    | To—                           | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|                          |                               |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| Detroit LFR.....         | LOM.....                      | Direct.....         | 2300                    | T-dn*.....                      | 300-1            | 300-1              | 200-1½                                 |
| Salem VOR.....           | LOM.....                      | Direct.....         | 2300                    | C-dn.....                       | 400-1            | 500-1              | 500-1½                                 |
| Bridgewater VHF Int..... | LOM.....                      | Direct.....         | 2300                    | S-dn-5R#.....                   | 200-½            | 200-½              | 200-½                                  |
| Bridgewater VHF Int..... | Mooreville Int** (Final)..... | via CRL R-290.....  | 2300                    | S-dn-5L.....                    | 400-1            | 400-1              | 400-1                                  |
| Dundee Int.....          | LOM.....                      | Direct.....         | 2300                    | A-dn.....                       | 600-2            | 600-2              | 600-2                                  |
| Dundee Int.....          | Mooreville Int** (Final)..... | via VVV R-357.....  | 2300                    |                                 |                  |                    |                                        |
| Express Int.....         | LOM.....                      | Direct.....         | 2300                    |                                 |                  |                    |                                        |

Radar vectoring authorized in accordance with approved patterns.

Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles.

Minimum altitude of G.S. int inbnd, 2300'.

Altitude of G.S. and distance to approach end of rny at OM, 2251'—5.0 mi; at MM, 932'—0.5 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing Devine Int#, climb to 2500' to Salem VOR on R-170 or when directed by ATC, (1) Climb to 2700' on NE crs YIP ILS to Rouge Int, or (2) Make right turn and climb to 2300', proceed direct to DTW LFR.

Aircraft executing missed approach may, after being reidentified, be radar controlled.

\*Runway visual range 2600' authorized for takeoff in lieu of 200-½ when 200-½ is authorized, providing high intensity runway lights are in satisfactory operating condition. #Runway visual range 2600' also authorized for landing on Runway 5R; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 916' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

\*\*Mooreville Int: Int CRL-VOR R-290 and SW crs YIP ILS.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class., ILS; Ident., I-YIP; Procedure No. ILS-5R&L, Amdt. 13; Eff. Date, 10 June 61; Sup. Amdt. No. 12; Dated, 5 Nov. 60

|                     |                          |             |      |              |       |       |        |
|---------------------|--------------------------|-------------|------|--------------|-------|-------|--------|
| Ordway Int.....     | Boone Int*.....          | Direct..... | 6000 | T-dn%.....   | 300-1 | 300-1 | 200-½  |
| Midway Int.....     | Pueblo VOR.....          | Direct..... | 7300 | C-dn.....    | 800-1 | 800-1 | 800-1½ |
| Cedarwood Int#..... | Pueblo VOR.....          | Direct..... | 7000 | S-dn-26..... | 400-1 | 400-1 | 400-1  |
| Pueblo VOR.....     | Devine Int#.....         | Direct..... | 6000 | A-dn.....    | 800-2 | 800-2 | 800-2  |
| Boone Int*.....     | Devine Int# (Final)..... | Direct..... | 6000 |              |       |       |        |

Procedure turn S side crs, 075° Outbnd, 255° Inbnd, 6000' within 10 mi Devine Int# (S side for more favorable terrain).

No glide path. Minimum altitude over Devine Int# on final approach, 5400'.

Crs and distance, Devine Int# to airport, 255°—2.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing Devine Int#, climb to 6800' direct to LOM or, when directed by ATC, turn left and climb to 7000' on R-163 PUB-VOR within 10 mi.

CAUTION: Tower 6322' 5.5 mi NW of field.

NOTE: Narrow localizer course 4°.

%300-1 required for takeoff runways 26 and 35.

\*Boone Int: Int COS-VOR R-143 or 152° brng from Hanover "H" to the East crs ILS and/or 6.0 DME fix from PUB-VOR.

#Devine Int: Int R-150 PUB-VOR and E crs PUB ILS.

#Cedarwood Int: Int TBE-VOR R-296 and PUB-VOR R-190.

City, Pueblo; State, Colo.; Airport Name, Memorial; Elev., 4725'; Fac. Class., ILS; Ident., I-PUB; Procedure No. ILS-26, Amdt. Orig.; Eff. Date, 10 June 61

|              |                        |             |      |              |       |       |        |
|--------------|------------------------|-------------|------|--------------|-------|-------|--------|
| RDU LOM..... | Leesville LF Int*..... | Direct..... | 2000 | T-dn.....    | 300-1 | 300-1 | 200-½  |
| RU LFR.....  | Leesville LF Int*..... | Direct..... | 1800 | C-dn.....    | 400-1 | 500-1 | 500-1½ |
|              |                        |             |      | S-dn-23..... | 400-1 | 400-1 | 400-1  |
|              |                        |             |      | A-dn.....    | 800-2 | 800-2 | 800-2  |

Radar terminal area transition altitudes: 2000' within 20 miles; 3000' within 25 miles Raleigh-Durham Airport.

Radar control must provide 3 miles or 1000' vertical separation; or 3 to 5 miles and 500' vertical separation from radio tower 1822' 17 miles SE Raleigh-Durham Airport.

Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 1800' within 10 mi of Leesville LF Int.

No Glide Slope. Altitude over Leesville Int on final approach crs, 1500'.

Crs and distance, Leesville Int to approach end Runway 23, 229°—4.4 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 mi of Leesville Int, climb to 2000' on SW crs ILS (229°) within 20 mi. When directed by ATC, turn right, climb to 2000' on NW crs RU-LFR (308°), or on R-309 RDU-VOR within 15 miles.

NOTE: Descent to 800' MSL NA unless Leesville Int is identified on final.

\*Int N crs RDU ILS and 360° brng RU-LFR.

City, Raleigh; State, N.C.; Airport Name, Raleigh-Durham; Elev., 435'; Fac. Class., ILS; Ident., I-RDU; Procedure No. ILS-23, Amdt. 6; Eff. Date, 10 June 61; Sup. Amdt. No. 5; Dated, 4 Feb. 61

|                  |          |             |      |              |       |       |        |
|------------------|----------|-------------|------|--------------|-------|-------|--------|
| TLH-VOR.....     | LOM..... | Direct..... | 1400 | T-dn.....    | 300-1 | 300-1 | 200-½  |
| TLH-LFR.....     | LOM..... | Direct..... | 1400 | C-dn.....    | 500-1 | 500-1 | 500-1½ |
| Camp Int*.....   | LOM..... | Direct..... | 1200 | S-dn-36..... | 200-½ | 200-½ | 200-½  |
| Creek Int**..... | LOM..... | Direct..... | 1200 | A-dn.....    | 600-2 | 600-2 | 600-2  |

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 1200' within 10 mi. Beyond 10 mi NA.

Minimum altitude at Glide Slope Interception Inbnd, 1200'.

Altitude of Glide Slope and distance to approach end of Runway at OM, 1200'—4.1 mi; at MM, 255°—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400' on N crs of ILS, make left turn, returning direct to LOM or, when directed by ATC, climb to 1500' on N crs of ILS, proceed to TLH-VOR via R-265.

\*Camp Int: Int R-152 TLH-VOR and 090° crs from LOM.

\*\*Creek Int: Int MAI-VOR R-139 and TLH-VOR R-228.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 82'; Fac. Class., ILS; Ident., I-TLH; Procedure No. ILS-36, Amdt. Orig.; Eff. Date, 10 June 61, or on com. of facility



## 5. The radar procedures prescribed in § 609.500 are amended to read in part:

## RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition          |                 |                     |                         | Ceiling and visibility minimums |                  |                    |                                        |
|---------------------|-----------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|----------------------------------------|
| From—               | To—             | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|                     |                 |                     |                         |                                 | 65 knots or less | More than 65 knots |                                        |
| All directions----- | Radar site----- | Within 25 mi-----   | #1800-----              | Precision approach              |                  |                    |                                        |
|                     |                 |                     |                         | C-dn-4R-----                    | *500-1           | 600-1              | 600-1½                                 |
|                     |                 |                     |                         | S-dn 4R-----                    | 200-½            | 200-½              | 200-½                                  |
|                     |                 |                     |                         | A-dn 4R-----                    | 600-2            | 600-2              | 600-2                                  |
|                     |                 |                     |                         | Surveillance approach           |                  |                    |                                        |
|                     |                 |                     |                         | T-dn%66-----                    | 300-1            | 300-1              | 200-½                                  |
|                     |                 |                     |                         | S or C-dn**-----                | 700-1            | 700-1              | 700-1½                                 |
|                     |                 |                     |                         | C-dn***##-----                  | *600-1           | 600-1              | 600-1½                                 |
|                     |                 |                     |                         | S-dn***##-----                  | 600-1            | 600-1              | 600-1                                  |
|                     |                 |                     |                         | C-dn###-----                    | *500-1           | 600-1              | 600-1½                                 |
|                     |                 |                     |                         | S-dn###-----                    | 500-1            | 500-1              | 500-1                                  |
|                     |                 |                     |                         | A-dn-All-----                   | 800-2            | 800-2              | 800-2                                  |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1300' on the N crs of the Boston LFR within 8 mi. Alternate missed approach when requested by ATC: climb to 1500' on E crs of the Boston LFR within 10 mi.

#Except 2300' when more than 6 mi from airport between NW and SW crs Boston LFR.

##CAUTION: Standard clearance not provided over 370' stack SW of airport.

###Runways 27 and 33.

\*600-1 required when circling W of airport.

\*\*Runways 4R and 15.

\*\*\*Runway 22L.

%Except where radar vectoring is used, and weather is 1000-3 or below, departures from Runway 27 make left or right turn as soon as practicable, and departures from Runways 22 and 33 climb straight ahead to at least 1000' prior to proceeding toward 1349' WBZ-TV tower.

†Ceiling of 200' and runway visual range 2600' also authorized for landing on Runway 4R; provided, that all components of the PAR and all related airborne equipment are operating satisfactorily.

‡Runway Visual Range 2600' also authorized for takeoff on Runway 4R in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.

City, Boston; State, Mass.; Airport Name, Logan International; Elev., 19'; Fac. Class., Logan; Ident., Radar; Procedure No. 1, Amdt. 12; Eff. Date, 10 June 61; Sup. Amdt. No. 11; Dated, 27 May 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on May 9, 1961.

OSCAR BAKKE,  
Director, Bureau of Flight Standards.

[F.R. Doc. 61-4454; Filed, May 24, 1961; 8:45 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

#### SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 451.1]

#### PART 361—ROUTINE

#### Subpart A—Account Servicing Policies

Subpart A, Chapter III, Title 6, Code of Federal Regulations (20 F.R. 9293, 21 F.R. 2227, 6053, 7425, 22 F.R. 1479, 10211, 23 F.R. 1165, 1655), is revised to read as follows:

Sec.

361.1 General.

361.2 Definition of types of payments on all loan accounts.

361.3 Distribution of payments when a borrower owes both real estate and other loans to the Farmers Home Administration.

361.4 Application of payments on Operating, Emergency, Special Livestock, Soil and Water Conservation coded J, and other production-type loan accounts.

Sec.

361.5 Application of payments on Farm Ownership, Soil and Water Conservation (except Soil and Water Conservation loans coded J but including Soil and Water Conservation loan accounts coded 13F), Farm Housing, Rural Rehabilitation and Resettlement project cooperative association, and other real estate loan accounts.

361.6 Changes in the application of loan payments.

361.7 Overpayments and refunds.

361.8 Return of paid-in-full or satisfied notes to borrower.

361.9 Definitions and other information on Farm Ownership, Soil and Water Conservation, Other Real Estate and Farm Housing accounts.

AUTHORITY: §§ 361.1 to 361.9 issued under R.S. 161, 5 U.S.C. 22; Order, Acting Sec. Agr., 19 F.R. 74, 22 F.R. 8188. Secs. 361.1 to 361.3, 361.5 and 361.7 also issued under secs. 1, 21, 41, 2, 6, 50 Stat. 522, as amended, 524, as amended, 528, as amended, 869, as amended, 870, sec. 5, 54 Stat. 1122, as amended, secs. 2, 12, 14, 60 Stat. 1062, as amended, 1076, as amended, 1078, as amended, 62 Stat. 1038, secs. 1, 2, 501, 502, 510, 1, 63 Stat. 43, as amended, 44, as amended, 82, 432, 433, 437, 883, secs. 4, 2, 64 Stat. 100, 998, secs. 9, 10, 1, 68 Stat. 735, 999, as amended, sec. 16, 69 Stat. 553, as amended, secs. 1, 8, 70 Stat. 525, 1090, as amended, secs. 1, 8, 70 Stat. 525,

1090, secs. 18, 11, 72 Stat. 840, 841; 7 U.S.C. 1001, 1007, 1015, 16 U.S.C. 590s, 590w, 590z-3, 7 U.S.C. 1001 Note, 1005b, 1005d, 12 U.S.C. 1148-1 and Note, 1148a-2, 42 U.S.C. 1471, 1472, 1480, 7 U.S.C. 1006a, 40 U.S.C. 442, 440, 16 U.S.C. 590x-2, 590x-3, 12 U.S.C. 1148a-1 Note, 7 U.S.C. 1006c, 16 U.S.C. 1006a, 7 U.S.C. 1006e, 16 U.S.C. 590x-4; §§ 361.4 and 361.8 also issued under secs. 21, 41, 2, 6, 50 Stat. 524, as amended, 528, as amended, 869, as amended, 870, sec. 2, 60 Stat. 1062, as amended, 62 Stat. 1038, secs. 1, 2, 63 Stat. 43, as amended, 44, as amended, 63 Stat. 82, secs. 4, 2, 64 Stat. 100, 998, sec. 1, 68 Stat. 999, as amended; 7 U.S.C. 1007, 1015, 16 U.S.C. 590s, 590w, 7 U.S.C. 1001 Note, 12 U.S.C. 1148a-1 and Note, 1148a-2, 40 U.S.C. 442, 440, 12 U.S.C. 1148a-1 Note; §§ 361.5 and 361.9 also issued under secs. 1, 41, 50 Stat. 522, as amended, 528, as amended, sec. 5, 54 Stat. 1122, as amended, secs. 12, 14, 60 Stat. 1076, as amended, 1078, as amended, secs. 501, 502, 510, 1, 63 Stat. 432, 433, 437, 883, secs. 4, 2, 64 Stat. 100, 998, secs. 9, 10, 68 Stat. 735, sec. 16, 69 Stat. 553, as amended, secs. 1, 8, 70 Stat. 525, 1090, secs. 18, 11, 72 Stat. 840, 841; 7 U.S.C. 1001, 1015, 16 U.S.C. 590z-3, 7 U.S.C. 1005b, 1005d, 42 U.S.C. 1471, 1472, 1480, 7 U.S.C. 1006a, 40 U.S.C. 442, 440, 16 U.S.C. 590x-2, 590x-3, 7 U.S.C. 1006c, 16 U.S.C. 1006a, 7 U.S.C. 1006e, 16 U.S.C. 590x-4.

#### § 361.1 General.

Borrowers will be required to pay their debts to the Farmers Home Administration.



tion in accordance with their agreements and their ability to pay and will be encouraged to pay ahead of schedule to an extent consistent with sound farming and money management. When borrowers have acted in good faith and have exercised due diligence in an effort to pay their indebtedness but cannot pay on schedule because of circumstances beyond their control, future servicing actions will be consistent with the best interest of the borrower and the Government.

(a) *Accounts of active borrowers.* The foundation for proper and timely debt payment is sound farm and home planning or budgeting, including plans for debt payments supplemented by effective follow-up supervision. Account Servicing, therefore, must begin with initial planning and must be an integral part of year-end analysis and subsequent planning, as well as follow-up supervision when required.

(b) *Accounts of collection-only borrowers.* Collection-only borrowers are expected to make final settlements of their debts to Farmers Home Administration to the extent of their ability to pay. This objective will be accomplished by collecting in full the amounts owed by these borrowers or, in appropriate cases, by the application of the established debt settlement policies.

(c) *Notifying Farmers Home Administration borrowers of payments.* County Supervisors are responsible for notifying borrowers of the dates and amounts of payments that have been agreed upon for all types of accounts.

(d) *Subsequent servicing.* If a borrower fails to make a payment as agreed upon, the County Supervisor will write or otherwise contact the borrower or request him to make the payment or request him to come to the office to discuss the reasons why the payment was not made and to develop specific plans for making the payment. In the event the borrower refuses to make the payment when he has the income, or it is determined that his farming operations will not permit him to make the payment in a reasonable length of time, as well as make future payments, action will be taken to protect the Government's security interest in accordance with applicable Farmers Home Administration Instructions.

#### § 361.2 Definition of types of payments on all loan accounts.

(a) *Regular payments.* Regular payments will be all payments other than extra payments and refunds. Usually, regular payments will be derived from normal farm income other than proceeds from the sale of basic chattel or real estate security. Regular payments also will include payments derived from sources such as off-farm income, inheritances, life insurance, and income from leases or bonuses or sale or rental of real estate security of a non-depreciating or non-depleting nature.

(b) *Extra payments.* Extra payments will be payments derived from sale of basic chattel or real estate security, including rental or lease of real estate security of a depreciating or depleting

nature; refinancing of real estate debt; mineral royalties; cash proceeds of real property insurance as provided in § 306.5 of this chapter; sale, pursuant to a condition of loan approval, of real estate not mortgaged to the Government; Agricultural Conservation Program payments as provided in § 351.2(b)(2) of this chapter; and transactions of a similar nature.

(c) *Refunds.* Refunds will be payments derived from the return of unused loan funds.

#### § 361.3 Distribution of payments when a borrower owes both real estate and other loans to the Farmers Home Administration.

(a) *Distribution of regular payments.* When a borrower owes both Farmers Home Administration real estate loans and other Farmers Home Administration loans, payment received from each crop year's income as regular payments will be distributed in accordance with the following principles, except that regular payments derived from rental or lease of real estate security after approval of foreclosure or voluntary conveyance will be distributed to the real estate lien of the highest priority.

First, to other than real estate loans an amount equal to any advances for the year's operating expenses.

Second, to the real estate and other Farmers Home Administration loans in proportion to the approximate amounts due on each for the year. In determining the amounts due for the year on other than real estate loans, deduct an amount equal to any advances for the year's operating expenses.

Third, to the real estate and other Farmers Home Administration loans in proportion to the delinquencies existing on each.

Fourth, to the real estate and other Farmers Home Administration loans for making advance payments. In making such distribution take into consideration the principal balance outstanding on each, the relative security position of each type of loan, the borrower's wishes, and related circumstances.

A different distribution, when necessary, will be made to correct any previous improper distribution or to protect the Government's interest.

(b) *Distribution of extra payments.* Extra payments will be distributed first to the Farmers Home Administration loan having highest priority of lien on the security from which the payment was derived, except as provided in § 372.3(e) of this chapter. When the payment is in excess of the unpaid balance of the Farmers Home Administration lien having the highest priority, the balance of such payment will be distributed to the Farmers Home Administration loan having the next highest priority.

(c) *Application of payments.* After the decision is reached as to the amount of each payment that is to be distributed to the real estate and other Farmers Home Administration loans, application of the payment will be governed by § 361.4 or § 361.5, as appropriate.

#### § 361.4 Application of payments on Operating, Emergency, Special Livestock, Soil and Water Conservation coded J, and other production-type loan accounts.

Employees receiving payments on Operating, Emergency, Special Livestock,

Soil and Water Conservation coded J, and other production-type loan accounts will select, in accordance with the provisions of this section, the account or accounts to which such payments will be applied. Such employees will make application first to the unpaid interest on the selected account or accounts, as shown on the latest Form FHA-646 or FHA 450-1, "Statement of Account," in the County Office and then to the unpaid principal on such account or accounts, except that for 1934-35 Drought Feed loans, collections will be applied to principal only until all principal has been repaid. Loan refunds will be applied to principal only, except as provided in paragraph (a) of this section. Employees receiving collections are authorized to make exceptions to the policy of applying payments to interest first when the unpaid interest on the selected account or accounts as shown on Form FHA-646 or FHA 450-1 is not due under the provisions of the note or notes and the borrower requests that his payment be applied to principal only, or the collection does not represent the proceeds of the sale of security property and a large amount of unpaid interest has accumulated and the borrower requests in writing that his payment be applied to principal first, stating that he will make the payment only if his request is granted. If the borrower agrees to make subsequent payments only on condition that they be applied to principal first, such information will be incorporated in a written agreement.

(a) *Selection of accounts.* Except for total loan refunds as provided in subparagraph (4) of this paragraph, payments, regardless of source, will be applied first to any recoverable costs which have been charged to the borrower's account, after which the following rules will govern the selection of accounts and installments to which payments will be applied.

(1) Payments derived from the sale of mortgaged property representing normal farm income or from assignments of income will be applied first to accounts with small balances for the purpose of removing such accounts from the records. Any balance of the remittance will be applied on debts secured by the mortgage in the following order:

(i) To amounts due or falling due on loans made in connection with the current year's operations, except:

(a) When funds loaned for the purchase of capital goods were used to meet the current year's operating expenses, payments will be applied first to the final unpaid installments to the extent of the loan funds so used. Such payments will be treated as extra payments. Payments to be applied in this manner may be prorated to more than one installment when the amount of the loan funds was large and will result in reducing the annual repayment ability of the borrower because of a change in the farming operations caused by such transfer of loan funds.

(b) When installments on loans previously made fall due early in the year and prior to the installment on the loan for the current year's operations or when such loans are delinquent and it is antic-



ipated that sufficient income will be received to meet the installment on the current year's operations when due, collections may be applied first to installments on loans made in previous years.

(i) To accounts having the oldest delinquencies, or if no delinquencies, to the oldest unpaid account.

(2) Payments derived from the sale of basic security, including real estate security, will be applied to the earliest account secured by the earliest mortgage covering such basic security. The amount to be applied to principal will be applied to the final unpaid installments. When such payment is large and the sale of the basic security, or real estate security, will result in a change in the farming operation which will reduce the annual repayment ability of the borrower, it may be prorated to more than one installment.

(3) Partial loan refunds will be applied to the final unpaid installments on the notes which evidence such advances, except that when such refund represents an advance for current farm and home expenses repayable within the year, it may be applied to the principal on the first unpaid installment on such note as a regular payment, and when such refund is large and results from a change in the farming operations which will reduce the annual repayment ability of the borrower, it should be prorated to more than one installment.

(4) Total refunds of loan advances will be applied to the notes which evidence such advances.

(5) In applying payments from sources other than those in subparagraphs (1) to (4) of this paragraph, the borrower has the right of election as to the loan account on which such payments will be applied. In the absence of the borrower's election, such payments generally will be applied in the following order:

- (i) To accounts with small balances.
- (ii) To accounts with the oldest unsecured notes.
- (iii) To accounts with the oldest delinquencies.
- (iv) To accounts with the oldest secured notes.

(6) When a borrower owes both Farmers Home Administration and State Rural Rehabilitation Corporation loan accounts, payments described in subparagraph (5) of this paragraph in the absence of the borrower's election and any balances remaining after payments are made under subparagraphs (1) and (2) of this paragraph, will be prorated between Farmers Home Administration and the State Rural Rehabilitation Corporation loan accounts on the basis of the total balances (including principal and interest) owed to each. The portions thus prorated will be applied respectively to the Farmers Home Administration and State Rural Rehabilitation Corporation loan accounts as prescribed in subparagraph (5) of this paragraph.

(7) When the Farmers Home Administration has advanced funds to complete State Rural Rehabilitation Corporation commitments, any payment that normally would be applied to any of the borrower's State Rural Rehabilitation

Corporation accounts will be applied to the 6F- account until it is paid.

(8) When the need arises, County Supervisors are authorized to apply payments to specific notes within loan-type accounts according to the rules of application prescribed in this paragraph.

(b) *Payments in full.* (1) When it is intended to pay one or more of a borrower's accounts in full, the collection official will collect all of the interest and principal shown on the latest Form FHA-646 or FHA 450-1 for the accounts to be paid in full plus interest on the account from the date of the Form FHA-646 or FHA 450-1 to the date of the collection.

(2) Errors of significant amount in computation or collection will be called to the attention of the official making the collection by the Finance Office and the borrower's note will not be returned until the balance on the loan account is paid in full.

§ 361.5 Application of payments on Farm Ownership, Soil and Water Conservation (except Soil and Water Conservation loans coded J but including Soil and Water Conservation loan accounts coded 13F), Farm Housing, Rural Rehabilitation and Resettlement Project cooperative association, and other real estate loan accounts.

(a) *Regular payments.* Payments on accounts of the above types should be applied so as to maintain the note accounts in balance at the end of the year with respect to installments due on the notes and other charges.

(1) *Direct loan accounts.* All regular payments on direct loan accounts will be applied first to interest accrued to the date of the receipt of payment, and then to principal.

(2) *Insured loan accounts.* All regular payments on insured loan accounts will be applied first to any unpaid balance of the insurance account including unpaid interest on any advances from the insurance fund which is shown on the statement of account, and second to interest accrued on the note as of the date of the U.S. Treasury check issued to the holder or the date of the receipt of payment in case the note is held by the insurance fund or under a 2(f) agreement. Any remainder will be applied to the principal balance on the note.

(b) *Refunds and extra payments.* (1) Refunds will be applied to the note representing the loan from which the advance was made.

(2) Extra payments will be applied to the note secured by the earliest mortgage on the property from which the extra payment was obtained.

(3) Refunds and extra payments will be applied first to interest accrued on the note and the remainder to the principal balance on the note.

(c) *County office actions.*—(1) *Issuance of receipt.* The County Supervisor will issue Form FHA-37 or FHA 451-1, "Receipt for Payment," for each payment received.

(2) *Notifying borrowers of application of payments.* Notification of the application of payments will be sent to borrowers who request it.

(d) *Finance Office handling.* Collections (regular, extra, and refunds) received for application to insured loans evidenced by notes so permitting will be accumulated by the Finance Office until such collections total \$200 or more or until the end of the calendar quarter, whichever occurs first. Collections accumulated until the end of the calendar quarter will be remitted to lenders within three weeks after the end of the calendar quarter. Collections for application to insured loans evidenced by other note forms will be remitted to private lenders immediately by the Finance Office.

(1) *Regular payments.*—(i) *Direct loan accounts.* The application of principal and interest on direct loan accounts will be reflected in the record of accounts maintained by the Finance Office. Amounts paid on direct loan accounts will be credited on the Finance Office records as of the date of Form FHA-37 or FHA 451-1. Collections will be applied by the Finance Office first to interest accrued to the date of the receipt of payment, second to the principal balance of the loan.

(ii) *Insured loan accounts.* The Finance Office will apply all regular payments on insured loan accounts in the following order of priority to the following items shown on the statement of account:

(a) Billed interest on advances from the insurance fund as shown on the latest annual statement of account. (If the collection is intended for final payment of the loan, the collection will be applied first to the interest accrued on the advance to the date of the receipt.)

(b) Principal of advance from the insurance fund.

(c) Unpaid loan insurance charges, including the current year's charge.

(d) The payment on each note account will be applied by the Finance Office first to accrued interest, and second to the principal balance on the note. If the note is held by a private lender, the interest will be accrued on the note to the date the U.S. Treasury check is issued to the holder. The Finance Office will send the original of Form FHA-282 or FHA 451-5 to the U.S. Treasury Regional Disbursing Office for inclusion in the envelope containing the check to be sent to the holder and a copy to the appropriate County Office. If the note is held by the insurance fund or under a 2(f) agreement, the interest will be accrued on the note to the date of the receipt for payment. Amounts paid will be credited on the Finance Office records as of the date of Form FHA-37 or FHA 451-1. A copy of Form FHA-37 or FHA 451-1 showing the application of principal and interest on the account will be returned to the County Office.

(2) *Extra payments and refunds.* Extra payments and refunds will be applied by the Finance Office first to interest accrued on the note account and then to note principal. Extra payments and refunds will not relieve an insured loan borrower from paying the amount due the insurance account each year, even though the borrower may be ahead of schedule on his note account.



### § 361.6 Changes in the application of loan payments.

(a) *Authority of State Directors.* State Directors are authorized to approve requests on Form FHA 451-7, "Request for Change in Application," for changes in the application of payments between a borrower's real estate and other loan accounts when payments have been applied in error and such requests conform to the policies expressed in this part. However, no change in the application of payments will be made if it would involve the reapplication of funds from an insured loan account to other Farmers Home Administration accounts after the payment has been made to the lender or if the payment applied in error resulted in the payment in full of any Farmers Home Administration loan of the borrower and the canceled notes have been returned to him. If the payment applied in error resulted in the payment in full of any Farmers Home Administration loan of the borrower and the canceled notes have not been returned to him, or if the reapplication from an Operating, Emergency, Special Livestock, or other production-type loan to an insured loan would result in a loss of interest of more than one dollar to the borrower, the request for change in the application will not be made without a written request from the borrower.

(b) *Authority of County Supervisors.* County Supervisors are authorized to approve requests on Form FHA 451-7 for changes in the application of payments within and between Operating, Emergency, Special Livestock, Soil and Water Conservation coded J, and other production-type loan accounts and within and between real estate accounts, when payments have been applied in error and such requests conform to the rules of application set forth in this part.

(c) *Changes made by the Finance Office in application of remittances.* (1) When reapplication of collection is initiated by the Finance Office, it will be accomplished by means of Form FHA-648 or FHA 451-8, "Journal Voucher for Loan Account Adjustments," or Form FHA-281 or FHA 405-8, "Journal Voucher for Insured Loan," a copy of which will be forwarded to the County Office.

(2) When it is necessary for the Finance Office to make any corrections in Form FHA-37 or FHA 451-1, it will notify the County Office by returning a copy of Form FHA-37 or FHA 451-1 stamped "Receipt Corrected."

(d) *Notifying borrowers.* County Supervisors will inform borrowers of any reapplication between real estate and other loan accounts, and of any other reapplication of a significant amount.

### § 361.7 Overpayments and refunds.

(a) If, after all principal and interest indebtedness of a borrower has been repaid, there is an additional amount identifiable as "excess" for credit to the borrower, it will be refunded to him.

(b) If a borrower believes he has made an overpayment and requests a refund, such a request must be in writing.

### § 361.8 Return of paid-in-full or satisfied notes to borrower.

(a) *Return of notes after collection.* When a note (or loan-type account) evidencing an Operating Emergency, Special Livestock, Soil and Water Conservation loan coded J, or other production-type loan has been satisfied by payment in full, or otherwise, the Finance Office will return such note, stamped with an appropriate legend, to the County Office. If the County Supervisor determines that the account has been satisfied, the note will be returned to the borrower immediately except that:

(1) When the final payment is made in a form other than currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, bank draft, or a check issued by a responsible lending institution, the note will not be surrendered until 15 days after the date of final payment, and

(2) When the note is needed in making marginal releases or satisfactions of security instruments, it will be held until the instruments are satisfied.

(b) *Surrender of notes to effect collection.* (1) In individual cases, the Finance Office, upon request from County Supervisors, is authorized to furnish them with promissory notes and a statement of the amount due under such notes when the surrender of the notes is necessary to effect final collection. County Supervisors will surrender the notes to borrowers in such cases when final payments of the amount due are made in the form of currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, bank draft, or a check issued by a responsible lending institution.

(c) *Lost notes.* If notes evidencing satisfied accounts cannot be found, State Directors may authorize County Supervisors to execute appropriate affidavits regarding lost notes in cases in which such affidavits are requested by borrowers.

(d) *Return of notes reduced to judgment.* Notes which have been reduced to judgment are a part of the court records and ordinarily cannot be withdrawn and returned to the borrower even after satisfaction of the judgment. Therefore, no effort will be made to obtain and return such notes except upon the written request of the judgment debtor or his attorney. Such requests will be referred to the Office of the General Counsel.

### § 361.9 Definitions and other information on Farm Ownership, Soil and Water Conservation, Other Real Estate, and Farm Housing accounts.

(a) *Installment on note and other charges.*—(1) *Direct loan accounts.* For a borrower with a direct loan, the term "installment on note and other charges," as used in this part, will be the sum of the following:

(i) Annual installment for the year as provided in his promissory note.

(ii) Any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(2) *Insured loan accounts.* For a borrower with an insured loan, the term "installment on note and other charges,"

as used in this part, will be the sum of the following:

(i) Annual installment for the year as provided in his promissory note.

(ii) Annual insurance charge except in case of insured loans evidenced by Forms FHA-218, FHA 442-10, FHA-251, FHA 443-14, FHA-252, and FHA 442-2.

(iii) Any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(iv) Any accrued interest on advances made out of the insurance fund as shown on the statement of account.

(b) *Insurance account.* The term "insurance account" applies only to a borrower with an insured loan and is a combination of the following:

(1) The annual insurance charge except in case of insured loans evidenced by notes on Form FHA-218, FHA 442-10, FHA-251, FHA 443-14, FHA-252, and FHA 442-2.

(2) Any advances made out of the insurance fund.

(3) Any accrued interest on advances made out of the insurance fund.

(c) *Schedule status.* For direct and insured loans, a borrower will be on schedule, ahead of schedule, or behind schedule when the sum of his regular payments through the last preceding due date of the note equals, exceeds, or is less than, respectively, the sum of "installments on his note and other charges" due through the same date.

(d) *Farm Ownership payments.* The agreements of most borrowers provide a system of variable payments which permits paying more than the scheduled installment on the note and other charges in good years and using the excess to reduce the amount to be paid in poor years.

(1) *Payment requirements.* (i) Farm Ownership borrowers whose loans were approved prior to November 1, 1946, and who are repaying their loans under variable payment agreement forms FSA-LE-228 or FSA-550, will be required, subject to the terms of the agreement, to pay each year the amount determined by the County Supervisor to be within their ability to pay.

(ii) Any borrowers whose agreement calls only for fixed payments will be encouraged to make additional payments in accordance with his ability.

(iii) All other Farm Ownership borrowers will be required to pay one installment on note and other charges each year plus any amount the borrower is behind schedule and any additional sums agreed to by the borrower and the County Supervisor. However, any borrower who is ahead of schedule and whose income for the year is determined to be below normal will be required to pay at least an amount sufficient to keep him on schedule as of the next due date.

(2) *Determination of below-normal income for the year.* (i) The County Supervisor will make a determination as to whether or not a borrower's income for the year was below-normal only when requested to do so by a borrower in the category covered by subparagraph (1) (iii) of this paragraph who is ahead of schedule and has not paid an amount equal to the installment on note and other charges for the year. The County



Supervisor will advise such a borrower by letter as to whether or not his income for the year has been determined to be below normal and whether he will need to pay a full installment for the year or may pay less than a full installment.

(ii) The borrower's income will be considered not below normal when it is equal to or exceeds an amount sufficient to pay usual family living and reasonable farm operating expenses, make normal capital replacements within reasonable conformance with the farm and home plan, and pay installment on his note and other charges for the year. If the borrower is not receiving year-end analysis, the determination of whether the borrower had a below-normal income year will be made on the basis of an estimate of the borrower's income, based on the information concerning the borrower's production for the year as compared with the production of other borrowers in the area. The County Supervisor may take into consideration factors which probably would affect the borrower's income, such as drought, hail or insects prevalent in the area and on the borrower's farm, the prevailing level of commodity prices compared with the costs which were probably encountered by the borrower in his particular type of farming, and any other relevant information acquired by the County Supervisor during the year from farm visits, personal interviews, or other reliable sources.

(e) *Farm housing payments.* (1) A borrower may make payments ahead of schedule at any time. He may later use such ahead-of-schedule payments to forego payments or to supplement the amount available during any year for payment on his annual installment on note and other charges. All borrowers should be encouraged to establish prepayment reserves.

(2) One annual installment on note and other charges will be due each year plus any amount behind schedule, except that a borrower who is ahead of schedule will be required to pay an amount sufficient to keep him on schedule as of the next due date.

(f) *Soil and water conservation payments.* (1) A borrower may make payments ahead of schedule at any time. He may later use such ahead-of-schedule payments to forego payments or to supplement the amount available during any year for payment on his annual installment on note and other charges.

(2) The annual insurance charge for borrowers whose insured loans are evidenced by notes not on Forms FHA-218, FHA 442-10, FHA-252 or FHA 442-2 is computed on the basis of the amount of the unpaid principal obligation as of the annual installment due date, and is due and payable on that date.

(3) One annual installment on note and other charges will be due each year plus any amount behind schedule, except that a borrower who is ahead of schedule will be required to pay an amount sufficient to keep him on schedule as of the next due date.

(g) *Reamortizing direct Farm Ownership, Farm Housing, and direct Soil and Water Conservation accounts.* (1) Such accounts will be reamortized when:

(i) A Farm Ownership borrower whose loan was approved prior to November 1, 1946, and who signed Form FSA-LE-228, is behind schedule, and has such agreement canceled, unless immediate foreclosure proceedings are recommended.

(ii) Any borrower who is not behind schedule, has made extra payments and refunds totaling 10 percent or more of his loan, requests reamortization on Form FHA 451-21, "Request for Reamortization of Real Estate Loan," and the State Director determines that the borrower is likely to have difficulty in meeting his obligations unless the loan is reamortized.

(2) A revised amortization schedule will be in accordance with the following:

(i) The total amount (interest and principal) owed on the note as of the due date previous to the date the request for reamortization is received in the Finance Office (minus any extra payments or refunds made between those dates) will be reamortized so as to retire the debt in equal annual installments by the maturity date of the note.

(ii) The borrower's note account will be on schedule as of the last installment due date preceding the date of reamortization. The installment due date will be the same as the due date on the note (or accounts) being reamortized.

(3) When the revised amortization schedule has been calculated, the County Supervisor will notify the borrower of the change. It will not be necessary to obtain a new note or to change the face value of the reamortized note.

Dated: May 19, 1961.

HOWARD BERTSCH,  
Administrator,  
Farmers Home Administration.

[F.R. Doc. 61-4869; Filed, May 24, 1961;  
8:49 a.m.]

#### SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[FHA Instructions 441.2, 441.4, Administration Letter 690(441)]

### PART 381—EMERGENCY AND SPECIAL LIVESTOCK LOANS

#### PART 384—SPECIAL LIVESTOCK LOANS

Part 384, Title 6, Code of Federal Regulations, is superseded by Part 381, Title 6, Code of Federal Regulations (21 F.R. 10359, 22 F.R. 4348, 9409, 23 F.R. 903, 1193, 9686, 25 F.R. 2471), which is revised to read as follows:

- Sec.
- 381.1 General.
  - 381.2 Objectives.
  - 381.3 Designation of Production Emergency Loan Areas.
  - 381.4 Scope of farming operations to be financed with Production Emergency loans.
  - 381.5 Eligibility requirements.
  - 381.6 Certification by County Committee.
  - 381.7 Loan purposes.
  - 381.8 Loan limitations.
  - 381.9 Relationship with other types of Farmers Home Administration loans.
  - 381.10 Rates and terms.
  - 381.11 Security policies.
  - 381.12 Loan approval.

Sec.

- 381.13 Subsequent loans.
- 381.14 Loan processing.
- 381.15 Production Emergency loans to cranberry growers.

AUTHORITY: §§ 381.1 to 381.15 issued under R.S. 161, sec. 2, 63 Stat. 44, as amended, sec. 2, 67 Stat. 150, secs. 1-3, 68 Stat. 999, as amended; 5 U.S.C. 22, 12 U.S.C. 1148a-2, 1148a-4, 1148a-1 note; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188.

#### § 381.1 General.

This part prescribes the policies, authorities, and regulations for making initial and subsequent Production Emergency loans, subsequent Economic Emergency loans, and subsequent Special Livestock loans to farmers (including stockmen). The making of such loans to certain Indians and to permittees and lessees on Indian trust lands is subject to the additional policies and procedures contained in Part 392 of this chapter.

#### § 381.2 Objectives.

The basic objectives of Production Emergency loans are to assist eligible applicants to continue their normal farming or livestock operations, and return to local sources of credit as soon as possible. These objectives will be accomplished through the extension of credit and such supervisory assistance as is determined necessary to achieve the objectives of the loan and protect the Government's interest. Supervisory assistance will be given in accordance with Part 302 of this chapter.

#### § 381.3 Designation of Production Emergency loan areas.

(a) The Secretary of Agriculture may designate an area as a Production Emergency loan area, pursuant to section 2(a) of Public Law 38, 81st Congress, as amended, if he finds that there exists in such area a general need for agricultural credit which cannot be met for temporary periods by private or cooperative sources and other types of Farmers Home Administration loans, at rates and on terms and conditions which farmers could reasonably be expected to fulfill under the circumstances, and that the need for agricultural credit in the area is the result of a production disaster.

(b) The designation by the Secretary will specify a date after which no initial Production Emergency loans will be made, except that upon the recommendation of the Farmers Home Administration, the Secretary may extend the period for making such initial loans.

(c) When an additional production disaster occurs in a designated Production Emergency loan area and results in a need for emergency credit which can be met without extending the period for approving initial loans, the State Director may authorize the making of Production Emergency loans under the existing designation to meet the need for credit resulting from the additional disaster.

#### § 381.4 Scope of farming operations to be financed with Production Emergency loans.

The scope of farming operations to be financed with Production Emergency loans is the same as prescribed in § 341.2 of this chapter, except that loans may be



made to established operators of larger than family-type farms without regard to the labor requirements.

#### § 381.5 Eligibility requirements.

Any established farmer operating in a designated area, whether owner or tenant, including a partnership or corporation engaged primarily in farming, is eligible for a Production Emergency loan if the eligibility requirements prescribed in paragraphs (b), (e), (f), and (g) of § 341.3 of this chapter are met, except that the parenthetical statement in said paragraph (f) is not applicable.

#### § 381.6 Certification by County Committee.

Before a Production Emergency loan is approved, the County Committee will certify on Form FHA 440-2, "County Committee Certification," that the applicant is eligible for a loan. In addition, the County Committee will establish the maximum amount of credit which may be extended under the certification to meet the actual needs of the applicant during the crop year indicated. This will not necessarily represent the amount which actually will be loaned.

#### § 381.7 Loan purposes.

Production Emergency loans may be made for:

(a) The purposes set forth in paragraphs (a) through (l) of § 341.5 of this chapter with the following modifications:

(1) The purchase of livestock will be restricted to the replacement of livestock lost, destroyed, or disposed of as a result of the disaster for which the area was designated.

(2) The purchase of farm equipment will be restricted to replacement items.

(3) The payment of cash rent for cropland used for the production of cash crops is not authorized.

(4) The payment of taxes, water or drainage charges, and insurance premiums will be restricted to amounts due or about to become due for a period of not to exceed one year.

(5) The purchase of essential home equipment and furnishings will be restricted to the replacement of essential home equipment and furnishings lost, damaged, or destroyed as a result of the disaster.

(b) The replacement or repair of buildings, fences, and drainage or irrigation systems, necessary as a direct result of the disaster, in order to bring the farm back to normal production and use.

(c) The re-leveling of land and the clearing of debris made necessary as a direct result of the disaster.

(d) The purchase of trees, rootstock, and plants for reestablishing commercial orchards or berry and perennial crops, when necessary as a direct result of the disaster.

(e) The payment of bills incurred for emergency repairs and improvements to farm real estate, necessary as a direct result of the disaster, provided it is determined that the expenditures were essential to preservation of the property, the continuation of the applicant's normal farming or livestock operations, and had to be made before a Production Emergency loan could be obtained; and

the loan for such purposes is approved within a reasonable period following designation of the area.

#### § 381.8 Loan limitations.

Production Emergency loans will not be made to:

(a) Refinance debts, either secured or unsecured, except the payment of bills as authorized in paragraph (f) of § 341.5 of this chapter or § 381.7(e).

(b) Pay Federal or State income taxes, or Social Security taxes payable by borrowers in their own behalf.

(c) Purchase passenger automobiles.

(d) Enable an applicant to become established in farming or ranching, or to reorganize his farming or ranching operations.

(e) Enable an applicant to expand his farm or ranch operations substantially in excess of his typical operations just preceding the designation of the area for Emergency loans.

(f) Finance commercial feed lot operations.

(g) A landlord to furnish his tenant operators, whether share, cash, or standing rent is paid by these tenants. However, loans may be made to operating landlords or tenants to furnish their sharecroppers.

(h) An applicant whose debts have been settled pursuant to Parts 364 and 372, Subpart A, of this chapter, unless the requirements of § 341.6(e) of this chapter are met.

(i) Finance unproven types of farming operations in an area.

#### § 381.9 Relationship with other types of Farmers Home Administration loans.

Except as is provided in § 341.6(h) of this chapter, Production Emergency loans will not be made to applicants whose credit needs can be met with another type of Farmers Home Administration loan.

#### § 381.10 Rates and terms.

The rates and terms for Production Emergency loans will be the same as are established for Operating loans in § 341.7 of this chapter, except that the interest rate for Production Emergency loans is 3 percent per annum and loans for real estate purposes and secured primarily by real estate liens may be scheduled for repayment over periods not to exceed 20 years.

#### § 381.11 Security policies.

(a) Production Emergency loans for other than real estate purposes will be secured in accordance with the policies set forth in § 341.8 of this chapter, except that all claims of the landlord for cash or standing rent on land to be used for the production of cash crops must be subordinated, and any Production Emergency loan may be secured additionally by the best lien obtainable on the applicant's real estate of security value when in the opinion of the loan approval official such a lien is needed to adequately protect the Government's investment. When a real estate lien is required as additional (not primary) security, an appraisal of the property will not be necessary and title evidence will not be required. Property insurance, as pro-

vided in Part 306 of this chapter, will be required only when the loan approval official determines that such insurance is necessary to protect the Government's interest.

(b) Advances made for real estate repairs and improvements, including orchard rehabilitation, will be secured, except as provided in subparagraph (7) of this paragraph, only by liens on real estate in which the applicant has sufficient equity to provide adequate security for the loan, subject to the following:

(1) The determination of the applicant's equity in the real estate offered as security will be based on an appraisal of the property by a qualified Farmers Home Administration employee authorized to appraise farms, using Form FHA-596 or FHA 422-1, "Appraisal Report," and related forms. However, when the amount of the loan does not exceed \$5,000, the County Supervisor may make the appraisal, in which event only Parts 1, 2, and 7 of Form FHA-596 or FHA 422-1 will be completed.

(2) If the property is held under a purchase contract, it must be determined that the applicant has a mortgageable interest in the property and that the purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(3) If any of the prior liens against the property contain future advance provisions, or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet his obligations under these prior liens and also repay his Farmers Home Administration loan, the prior lienholders involved must agree in writing before the loan is closed, to modify, waive, or subordinate such objectionable provisions. This usually will be accomplished on Form FHA-446 or FHA 427-8, "Agreement with Prior Lienholder," subject to any modifications necessary to meet legal requirements for closing a particular loan.

(4) In States where a prior lienholder may foreclose his security instrument under power of sale or otherwise and extinguish junior liens of private parties without making junior lienholders parties or giving them actual notice, and a junior lien on real estate is to be taken as security for the loan, the prior lienholder must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage.

(5) If there are insurable buildings located on the property or if new buildings are to be erected or major improvements made to existing buildings, the applicant will provide adequate property insurance coverage, at the time of loan closing or as of the date materials are delivered to the property, as appropriate, in accordance with the provisions of Part 306 of this chapter.

(6) If insurance claims for loss or damage of buildings to be replaced or repaired with loan funds are outstanding at the time the loan is made, the applicant will be required to agree in writing for the proceeds of such claims to be used



for replacement or repair of buildings or to be paid to the Government for application on the loan when settlement is made, or for such proceeds to be applied on debts secured by prior liens.

(7) When a relatively small amount is being advanced for real estate purposes and it can be secured adequately by a first lien on chattel property and repaid over a period not in excess of five years, such a lien may be taken in lieu of a lien on real estate provided the taking of a chattel lien will not interfere with the applicant's ability to obtain operating credit during that period.

(c) When a loan is made which includes funds for operating expenses and for real estate purposes other than under the circumstances described in paragraph (b) (7) of this section, only one loan docket will be prepared. However, notes and vouchers will be prepared separately for the amounts of loan funds to be used for each of these two purposes, and the loan will be secured as follows:

(1) That portion of the loan made for operating purposes will be secured as outlined under paragraph (a) of this section, and also, if legally possible, by any liens taken to secure advances made for real estate purposes. The notes for advances for operating purposes will be described in both the crop and chattel mortgage and, if legally possible, the real estate mortgage.

(2) That portion of the loan made for real estate purposes will be secured as outlined under paragraph (b) of this section. The notes for advances for real estate purposes will be described only in the real estate mortgage, unless scheduled for repayment within five years and a chattel lien is obtained in accordance with paragraph (b) (7) of this section.

#### § 381.12 Loan approval.

(a) *Administrative determinations and responsibilities.* When the County Committee certification has been made, the loan approval official will make the administrative determinations required by § 341.10(a) of this chapter, except that paragraph (a) (3) of said section is not applicable. For Special Livestock loans, the County Supervisor will make these determinations before the loan is closed. In addition, before an initial Production Emergency loan is closed, the loan approval official will determine that the applicant has had substantial production losses or real estate damage caused by the natural disaster for which the area was designated or additional disaster approved under § 381.3 of this part. This determination will be based on information in item 22 of Form FHA-197 or FHA 410-1, "Application for FHA Services," and any other information available to the County Supervisor or Emergency Loan Supervisor showing the extent of the production losses or real estate damage.

(b) *Authority.* (1) State Directors are authorized to approve Production Emergency loans provided:

(i) The requirements of this part are met.

(ii) Prior approval of the National Office is obtained if the loan being made will cause the total principal balance on

Production Emergency, Economic Emergency, and Special Livestock loans, plus the total principal balance owed on Operating loans (including Production and Subsistence loans) to exceed \$20,000, or if the applicant is indebted for a Farmers Home Administration real estate loan or such a loan is being made and the total principal balance on all indebtedness to, or insured by, Farmers Home Administration will exceed \$50,000. However, when the National Office has concurred in the approval of an Emergency loan which would cause the total principal balance on Farmers Home Administration loans to exceed \$50,000 as provided in this subdivision, the case need not be resubmitted to the National Office in connection with requests for additional Emergency loans unless such action is necessary under the \$20,000 debt limit as provided in this subdivision.

(2) State Directors are authorized to redelegate and to restrict or revoke such redelegations to qualified State Office employees, County Supervisors, GS-7 Assistant County Supervisors, and Emergency Loan Supervisors authority to approve Production Emergency loans except that County Supervisors, GS-7 Assistant County Supervisors, and Emergency Loan Supervisors may not be authorized to approve loans which will result in an applicant becoming indebted in excess of \$10,000 principal for Production Emergency, Economic Emergency and Special Livestock loans, and for Operating loans (including Production and Subsistence loans).

(3) Special Livestock Loan Committees, appointed by the Secretary of Agriculture, are authorized to certify and approve Special Livestock loans on Form FHA 440-2. Any Special Livestock loans which would cause the borrower's principal balance on such loans to exceed \$50,000 must also be approved by the Secretary.

#### § 381.13 Subsequent loans.

(a) A subsequent Production Emergency loan is a loan made to a borrower presently indebted for a Production Emergency loan and may be made within the limitations, policies, and authorities contained in this part, without regard to the termination date for making initial loans, when the subsequent loan is necessary to protect the Government's investment in Emergency loans previously made, and there is reasonable assurance that the subsequent loan will be repaid and that the balances owed on previous loans will be repaid or substantially reduced within a reasonable period.

(b) A subsequent Economic Emergency loan is a loan made to a borrower presently indebted for an Economic Emergency loan and may be made within the limitations, policies and authorities contained in this part for Production Emergency loans, without regard to the termination date for making initial loans, when the subsequent loan is necessary to protect the Government's investment in Emergency loans previously made, and there is reasonable assurance that the subsequent loan will be repaid and that the balances owed on

previous loans will be repaid or substantially reduced within a reasonable period.

(c) A subsequent Special Livestock loan may be made within the limitations, policies, and authorities contained herein for Production Emergency loans, except as shown below, to any person, partnership, or corporation already indebted for Special Livestock loans previously made, without regard to whether the area was ever designated for Emergency loans, when the subsequent loan is necessary to protect the Government's investment in Special Livestock loans previously made, and there is reasonable assurance that the subsequent loan will be repaid and that the balances owed on previous loans will be repaid or substantially reduced within a reasonable period.

(1) In addition to the loan purposes authorized in this part, subsequent Special Livestock loans may include funds for the payment of customary and equitable charges for grazing permits and for the use of farm buildings, pasture land, and land for the production of feed crops.

(2) Special Livestock loans will bear interest from the date of the advance at the rate of 5 percent per annum on the unpaid principal balance.

(3) No subsequent Special Livestock loan will be approved under this authority after July 14, 1961.

#### § 381.14 Loan processing.

Loans made pursuant to this part will be processed in the same manner as Operating loans in Part 342 of this chapter with the following modifications and additions:

(a) Section 342.2(a) of this chapter is modified to provide that applicants for initial Emergency loans will show in Item 22 of Form FHA-197 or FHA 410-1, "Application for FHA Services," the percentage loss in their major crop or livestock enterprises and the nature and extent of damage to real or personal property. When an Operating loan borrower applies for an initial Emergency loan and Form FHA-197 or FHA 410-1 is not required, such information will be inserted in Item 22 of a blank Form FHA-197 or FHA 410-1 which the applicant will sign.

(b) Section 342.2(b) (1) of this chapter is modified to provide that when action is being taken on a Special Livestock loan, Form FHA 440-2, "County Committee Certification," will be revised by deleting the reference to "County Committee" and substituting "Special Livestock Loan Committee."

(c) Section 342.2(b) (3) of this chapter is not applicable.

(d) Section 342.2(d) of this chapter is supplemented by the following:

(1) If the applicant is a partnership, personal financial statements will be obtained from each of the partners and included in the loan docket, in addition to the partnership's financial statement.

(2) If the applicant is a corporation, the corporation will furnish a complete list of its stockholders, showing the address, principal occupation, and the number of shares of stock held in the



corporation by each. Personal financial statements will be obtained from each of the principal stockholders (generally, those holding as much as ten percent of the stock) and included in the loan docket. A copy of the corporation's charter or articles of incorporation, by-laws, any resolutions adopted by the Board of Directors authorizing the corporation to borrow and pledge its assets, and any leases, contracts, or agreements that have been entered into by the corporation which may be pertinent to a consideration of its application also will be included in the loan docket.

(e) Section 342.2(e) of this chapter is applicable only to appraising chattels under prior lien to another creditor when funds are to be advanced for the payment of depreciation pursuant to § 341.5(h) of this chapter. Appraisals in such cases will be made by County supervisory personnel.

(f) Section 342.2(g) of this chapter is supplemented by the following:

(1) When the applicant is a partnership, or operates as such, Form FHA-31 or FHA 441-1, "Promissory Note," will be executed so as to evidence the liability of the partnership as well as each partner as an individual and of his spouse, if required.

(2) When the applicant is a corporation, Form FHA-31 or FHA 441-1 will be executed by the corporation acting through its appropriate officials and, in order to evidence their personal liability for the debt, by the principal stockholders as individuals.

(g) Section 342.2(j) of this chapter is applicable except that Emergency and Special Livestock loans may be scheduled for disbursement for the fiscal year following the fiscal year in which the loans were approved.

(h) Section 342.2(k) of this chapter is supplemented by the following:

(1) Form FHA-127- or FHA 427-2-., "Real Estate Mortgage," will be used in taking liens on real estate. This form will be prepared, executed, and filed or recorded, as required.

(2) Title clearance and the closing of Emergency and Special Livestock loans which are to be secured only by real estate liens will be in accordance with the requirements of Part 307 of this chapter, except that the promissory note will be dated as of the date of execution instead of the date of loan closing. Title clearance will not be required when real estate is taken as additional security only, but in such cases the lien instrument will be executed by the applicant before the loan is closed.

(i) Section 342.2(l) of this chapter is supplemented by the following: When an Emergency loan is made to an applicant who is paying cash rent for land to be used for the production of cash crops, the parenthetical statement with regard to rent in Form FHA-32 or FHA 441-5, "Subordination Agreement," will be deleted and the lienholder will initial the deletion in the margin.

(j) Section 342.2(q) of this chapter is not applicable.

(k) Section 342.3 of this chapter is not applicable.

(l) *Review and approval or rejection.* After the loan documents have been assembled, the loan approval official for

Emergency loans and the County Supervisor for Special Livestock loans will make the determinations required in § 381.12(a).

(1) *Approval of loans.* If an Emergency loan is to be approved, the loan approval official will date and sign Form FHA-5 or FHA 440-1 and prescribe any special conditions of approval or special security requirements. In the case of a subsequent Special Livestock Loan, the Special Livestock Loan Committee will sign Form FHA-5 or FHA 440-1.

(2) *Rejection of loans.* If a loan is rejected, the County Supervisor will notify the applicant of the rejection and will return to him the original of Form FHA-31 or FHA 441-1, any agreements, and any executed security instruments.

#### § 381.15 Production Emergency loans to cranberry growers.

Production Emergency loans will be made to eligible and qualified cranberry growers in designated areas in accordance with the requirements of this part except as is provided in this section.

(a) *Eligibility.* Section 381.5 is not applicable to cranberry growers. Instead, any established cranberry grower with a record of successful cranberry operations in the past, whether owner or tenant, operating in the designated area as an individual, partnership, or corporation, is eligible for a loan provided:

(1) He is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit required for continuing his normal cranberry operations. If the applicant is a partnership or corporation, it must be determined that the partners or principal stockholders are unable personally to finance the operations involved or to obtain the necessary credit for this purpose.

(2) He has the necessary experience and ability to succeed with the proposed cranberry operations and will honestly endeavor to carry out the undertakings and obligations required of him.

(3) He will personally manage the operations involved. If the applicant is a partnership or corporation, the operations must be under the personal direction of a partner or principal stockholder. An applicant's business or professional activities, outside employment, or other farming operations will not disqualify him for loan assistance provided all other eligibility requirements are met.

(b) *Loan purposes.* Loans to cranberry growers will be restricted to the purposes authorized in paragraphs (c), (e), (g), (j), and (l) of § 341.5 of this chapter. In addition, loans may include funds for the payment of bills already incurred for annual recurring expenses in connection with the cranberry crop being financed and to make necessary repairs to essential machinery and irrigation equipment.

(c) *Terms.* Section 381.10 is not applicable. Instead, loans to cranberry growers will be scheduled for repayment as the income from the crop being financed is expected to be received. Such loans will bear interest at the rate of 3 percent per annum from the date of the loan check.

(d) *Security.* Loans to cranberry growers will be secured in accordance with the applicable requirements of § 381.11 but title evidence will not be required in connection with real estate liens. Also, an assignment will be obtained and accepted by the marketing facility covering the cranberry crop being financed.

(e) *Loan processing.* Production Emergency loans to cranberry growers will be processed in accordance with § 381.14, except that applicants for initial loans will not show the percentage of losses on their previous year's cranberry crops in item 22 of Form FHA-197 or FHA 410-1. Instead, they will show the number of barrels produced that year and the amount per barrel advanced by the marketing facility. If such an applicant had other crops, the total production and income therefrom also will be shown in item 22. In addition, the loan approval official will not be required to determine that the applicant has suffered production losses or real estate damage caused by the natural disaster for which the area was designated.

Dated: May 19, 1961.

HOWARD BERTSCH,  
Administrator,  
Farmers Home Administration.

[F.R. Doc. 61-4870; Filed, May 24, 1961;  
8:49 a.m.]

[FHA Instruction 444.1]

## PART 383—FARM HOUSING LOANS

### Modification of Mortgage

Section 383.14, Title 6, Code of Federal Regulations (22 F.R. 4), is revised to eliminate the provision that a subsequent Farm Housing mortgage shall contain a provision securing the initial loan, making the initial mortgage secure the subsequent loan, and making default under either constitute default under both, and to read as follows:

#### § 383.14 Subsequent Farm Housing loans.

Subsequent Farm Housing loans may be made for the same purposes and under the same conditions as initial loans. The subsequent loan will be processed in the same manner as initial loans except that title evidence will cover only the period since the previous Farm Housing mortgage was filed for record and a new appraisal report will be required only when at least one of the following exist: (a) The latest appraisal report on the farm is over a year old, (b) the physical characteristics of the farm have significantly changed or (c) the County Committee, County Supervisor or loan approval official requests a new appraisal report.

(Sec. 510, 63 Stat. 437; 42 U.S.C. 1480; Order of Acting Secretary of Agriculture, 19 F.R. 74, 22 F.R. 8188)

Dated: May 19, 1961.

FLOYD F. HIGBEE,  
Deputy Administrator,  
Farmers Home Administration.

[F.R. Doc. 61-4868, Filed, May 24, 1961;  
8:49 a.m.]



## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service and Commodity Stabilization Service (Marketing Agreements and Orders), Department of Agriculture

[Nectarine Order 1]

#### PART 937—NECTARINES GROWN IN CALIFORNIA

##### Limitation of Shipments

##### § 937.323 Nectarine Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions

of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation thereof which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 26, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided*, That the percentages of defective or off-color nectarines in any package or container shall not be in excess of the applicable tolerances specified in § 51.3150 of the United States Standards for Nectarines (§§ 51.3145-51.3159 of this title), except that any such package or container may contain one defective or off-color nectarine.

(2) When used herein, "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145-51.3159 of this title), and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 23, 1961.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[F.R. Doc. 61-4914; Filed, May 24, 1961;  
8:53 a.m.]

[Nectarine Order 2]

#### PART 937—NECTARINES GROWN IN CALIFORNIA

##### Limitation of Shipments

##### § 937.324 Nectarine Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL

REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation thereof which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 26, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any package or container of Grand River nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(ii) Such nectarines, when packed in any container other than the container specified in subdivision (i) of this subparagraph, measure not less than one and fourteen-sixteenth ( $1\frac{1}{16}$ ) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.



(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 23, 1961.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 61-4915; Filed, May 24, 1961;  
8:53 a.m.]

[Nectarine Order 4]

# PART 937—NECTARINES GROWN IN CALIFORNIA

## Limitation of Shipments

### § 937.325 Nectarine Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions

of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation thereof which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 26, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any package or container of Sunrise, John River, Early River, or Grand Haven nectarines unless

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(ii) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the respective lug box; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than two (2) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 23, 1961.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[F.R. Doc. 61-4916; Filed, May 24, 1961;  
8:53 a.m.]

[ACP-1961, Supp. 4]

## Chapter XI—Agricultural Conserva- tion Program Service, Department of Agriculture

### PART 1101—NATIONAL AGRICUL- TURAL CONSERVATION

#### Subpart—1961

##### APPEALS

The proviso in the first sentence of paragraph (b) of § 1101.1034 is amended, for purposes of the 1961 program, to read: "*Provided*, That the Secretary may

allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal."

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C., this 22d day of May 1961.

JAMES T. RALPH  
Assistant Secretary.

[F.R. Doc. 61-4867; Filed, May 24, 1961;  
8:49 a.m.]

[ACP-1961-Alaska, Supp. 2]

## PART 1104—AGRICULTURAL CON- SERVATION; ALASKA

### Subpart—1961

#### MISCELLANEOUS AMENDMENTS

##### § 1104.909 [Amendment]

1. Paragraph (a) of § 1104.909 is amended, for purposes of the 1961 program, by revising the first sentence to read: "The Soil Conservation Service is responsible for the technical phases of practices 1, 2, 3, 6, 10, 11, 12, 13, and 17 (§§ 1104.936 to 1104.938, 1104.941, 1104.945 to 1104.948, and 1104.952)."

2. Section 1104.927 is amended, for purposes of the 1961 program, to read:

##### § 1104.927 Appeals.

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee or State Committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. If the person is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State Committee. If he is dissatisfied with the decision of the State Committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Committee. The decision of the Administrator, ACPS, shall be final. All appeals shall be considered as soon as practicable after they are filed, and prompt written notice of the decision shall be given to the appellant. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

3. Section 1104.930 is amended, for purposes of the 1961 program, to read:

##### § 1104.930 Maintenance and use of practices.

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1961 program will be subject to the condition that the person with whom the costs are shared will maintain and use such practices for the conservation purposes for which cost-sharing was authorized throughout their



normal lifespans as long as the land on which they are carried out is under his control, unless the State or county committee determines that good farming practice does not require such maintenance and use, or that the failure to so maintain and use the practices was due to conditions beyond his control.

4. Paragraph (a) of § 1104.931 is amended, for purposes of the 1961 program, to read:

**§ 1104.931 Forbidden actions or practices.**

(a) *Practices defeating purposes of programs.* If the county committee finds with the concurrence of the State Committee, or if the State Committee finds, that any person has adopted or participated in any practice during the 1961 program year which tends to defeat the purposes of the 1961 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1961 program.

5. A new § 1104.950 is added, for purposes of the 1961 program, to read:

**§ 1104.950 Practice 15: Improvement of vegetative cover.**

(a) *Purpose.* To improve or extend the life of vegetative cover on land now in permanent vegetative cover for soil protection. The practice applies to land in permanent vegetative cover used for pasture, hay, or range.

(b) *Requirements.* The practice does not apply to land which requires the complete reestablishment of the vegetative cover. Practice 4 (§ 1104.939) would apply to such land. The area to be improved must be inspected by a representative of the county committee before the practice is started. Federal cost-sharing may not be approved for normal maintenance measures such as annual topdressings with fertilizer. Methods of seeding, mixtures, and rates per acre used, and fertilizer applications, must be approved by the county committee.

(c) *Additional recommendations.* Improved areas should be protected from continuous or heavy grazing until the vegetative cover has had the opportunity to take advantage of the improvement measures.

(d) *Technical responsibility.* County ASC Committee.

(e) *Reference.* None.

*Maximum Federal cost-share.* 50 percent of the cost.

6. A new § 1104.951 is added, for purposes of the 1961 program, to read:

**§ 1104.951 Practice 16: Controlling competitive shrubs and mosses.**

(a) *Purpose.* To permit growth of adequate desirable vegetative cover, particularly grasses, for soil protection on range or pasture land.

(b) *Requirements.* Land treated under this practice will not be eligible

under practice 5 (§ 1104.940). Control may be accomplished by the use of chemicals, hand grubbing, controlled burning, or mechanical treatment. Control methods must be approved by the county committee prior to application. The county committee must make prior field inspection before approval of the practice. On areas where it is determined that the control of competitive shrubs and mosses will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures. Practice 15 (§ 1104.950) may be used in conjunction with this practice. Mowing to control weeds is not eligible.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* County ASC Committee.

(e) *Reference.* None.

*Maximum Federal cost-share.* 50 percent of the cost, not to exceed \$25 per acre.

7. A new § 1104.952 is added, for purposes of the 1961 program, to read:

**§ 1104.952 Practice 17: Land smoothing.**

(a) *Purpose.* To promote effective surface drainage by mechanically grading or shaping land so that surface irregularities do not obstruct surface runoff.

(b) *Requirements.* This practice must be carried out under the supervision of a Soil Conservation Service technician. Federal cost-sharing will not be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops.

(c) *Additional recommendations.* None.

(d) *Technical responsibility.* Soil Conservation Service.

(e) *Reference.* None.

*Maximum Federal cost-share.* 50 percent of the cost, not to exceed \$10 per acre.

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C., this 22d day of May 1961.

JAMES T. RALPH,  
Assistant Secretary.

[F.R. Doc. 61-4865; Filed, May 24, 1961;  
8:49 a.m.]

[ACP-1961-Hawaii, Supp. 1]

**PART 1105—AGRICULTURAL CONSERVATION; HAWAII**

**Subpart—1961**

**MISCELLANEOUS AMENDMENTS**

1. Paragraph (e) of § 1105.1010 is amended to read:

**§ 1105.1010 Practice specifications and approval.**

\* \* \* \* \*

(e) Notwithstanding other provisions of the 1961 program, costs may be shared for performance actually rendered even

though the minimum requirements for a practice are not met, if the farmer or rancher establishes to the satisfaction of the State Office, or its designee, and representatives of any other agency having responsibility for technical phases of the practice (1) that he made every reasonable effort to meet the minimum requirements, and (2) that the practice as performed adequately meets the conservation problem.

2. Section 1105.1021 is amended to read:

**§ 1105.1021 Maintenance and use of practices.**

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1961 program will be subject to the condition that the person with whom the costs are shared will maintain and use such practices for the conservation purposes for which cost-sharing was authorized throughout their normal lifespans as long as the land on which they are carried out is under his control, unless the State Office determines that good farming practice does not require such maintenance and use, or that the failure to so maintain and use the practices was due to conditions beyond his control.

3. Section 1105.1033 is amended to read:

**§ 1105.1033 Appeals.**

(a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. If the person is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State Office. The decision of the Administrator, ACPS, shall be final. All appeals shall be considered as soon as practicable after they are filed, and prompt written notice of the decision shall be given to the appellant. Written notice of any decision rendered under this section by the State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart on the basis of the facts of the individual case: *Provided*, That the Secretary may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal. Such action may be taken only where the farmer or rancher, in reasonable reliance on any instruction or commitment of any member, employee, or representative of the State Office, in good faith performed an eligible conservation prac-



tice and such performance reasonably accomplished the conservation purpose of the practice. The amount of the cost-share in such cases shall be computed on the actual performance and shall not exceed the amount to which the farmer or rancher would have been entitled if the performance rendered had met all requirements for the practice.

4. Section 1105.1045 is amended to read:

§ 1105.1045 Practice A-7: Initial establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.1054 (practice B-9) are employed. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences. Acceptable plant species and spacing are those recommended by the Forestry Division of the State Department of Agriculture and Conservation.

Maximum Federal cost-share. (a) \$8 per 100 trees or shrubs planted.

(b) 50 percent of the cost at the farm of fencing material used.

5. Section 1105.1046 is amended to read:

§ 1105.1046 Practice A-8: Initial establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion.

Plantings must be protected from fire and grazing. Fencing newly planted trees or shrubs under this practice for protection against grazing is eligible for cost-sharing only if the construction specifications in § 1105.1054 (practice B-9) are employed. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences. Acceptable plant species are those recommended by the Forestry Division of the State Department of Agriculture and Conservation. The spacing of trees and shrubs shall be in accordance with specifications developed by the Soil Conservation Service.

Maximum Federal cost-share. (a) \$8 per 100 trees or shrubs planted.

(b) 50 percent of the cost at the farm of fencing material used.

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended, 74 Stat. 232; 16 U.S.C. 590d, 590g-590q)

Done at Washington, D.C. this 22d day of May 1961.

JAMES T. RALPH,  
Assistant Secretary.

[F.R. Doc. 61-4866; Filed, May 24, 1961; 8:49 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

#### SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. 53]

#### PART 371—GENERAL LICENSES

#### PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

#### PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

#### PART 374—PROJECT LICENSES

#### PART 375—BLANKET (BLT) LICENSE

#### PART 376—PERIODIC REQUIREMENTS (PRL) LICENSE

#### PART 377—TIME LIMIT (TL) LICENSE

#### PART 382—DENIAL OF EXPORT PRIVILEGES

#### PART 385—EXPORTATIONS OF TECHNICAL DATA

#### Miscellaneous Amendments

1. Parts 371 and 372 are amended by adding the following Note after § 371.4 (b) and § 372.12(d):

NOTE: The permissive reexportation provisions set forth above relating to the reexportation of commodities within the established GLV dollar value limits do not apply to exportations, reexportations, or distributions made under the Form FC-43 procedure or the Form FC-243 procedure. (§§ 373.3(b) and 373.4(c)).

#### § 372.4 [Amendment]

2. Section 372.4 *Applications for validated licenses* paragraph (f) *Substantiation of representations made in license application*, subparagraph (4) *Retention of documents* is amended to read as follows:

(4) *Retention of documents.* The documents constituting evidence of an order and of the facts relating to the purchase transaction, as defined in subparagraph (2) of this paragraph, or other transaction referred to in subparagraph (3) of this paragraph, must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce, for three years from the date of the application for export license, as shown in Item 1 of the application form.

#### § 372.5 [Amendment]

3. Section 372.5 *How to file an application for a validated license* is amended in the following particulars:

a. Subparagraph (1) of paragraph (a) *Form and manner of filing* is amended to read as follows:

(1) An application for a validated license must be submitted on Form FC-419 (Revised Jan. 1956), Application for Export License, accompanied by Form FC-420, Application for Processing

Card.<sup>1</sup> An application is incomplete and will be returned without action to the applicant if it is not accompanied by the Form FC-420 completely and correctly filled in.

<sup>1</sup> Form FC-419 and Form FC-420 may be obtained at all Department of Commerce Field Offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C.

b. Item 1 of Note 2 following paragraph (a) is amended to read as follows:

Item 1. Enter the date the application is completed. The Bureau of Foreign Commerce will return without action any application which is dated earlier than 30 days prior to the receipt of the application in the Bureau of Foreign Commerce.

c. Note 3 *Preparation of Form FC-116*, following paragraph (a) is retitled and amended to read as follows:

3. *Preparation of Form FC-420.* A Form FC-420, Application Processing Card, completely and correctly filled in must accompany each license application.

The applicant's name, date of application, applicant's reference number (if any), country of ultimate destination, Schedule B number, and processing code (and related commodity group number, if any) must be the same as the corresponding entries on Form FC-419 (Revised Jan. 1956). Only a brief commodity description is required to be shown on the Form FC-420.

d. Subparagraph (2) of paragraph (b) *Assembly and submission of application* is amended to read as follows:

(2) Form FC-420, typed side up, should be attached with a paper clip (not stapled) to the upper left corner of Form FC-419.

e. Subparagraphs (1) and (3) of paragraph (k) *Inquiries and correspondence* are amended to read as follows:

(1) Every effort is made to examine applications and advise applicants of action in the shortest time. Applicants should allow a period of two weeks after filing an application for export license before inquiring as to the progress of the application. Certain types of applications do require more time for necessary examination and consideration. Those remaining in process at the end of ten days will be acknowledged by the Bureau of Foreign Commerce, including the reason for delay, and the Bureau of Foreign Commerce case number.

(3) An inquiry concerning the status of an application may be made only by the applicant or his authorized agent. The Bureau of Foreign Commerce will not furnish status information to other persons. When an inquiry is made, it should be submitted on Form IT- or FC-743A,<sup>1</sup> Status Request on Export License Application, in duplicate, in accordance with instructions contained thereon. However, Item 2 need not be completed. After receipt of the form and a determination of the status of an application, the Bureau of Foreign Commerce will return the form, indicating thereon the information requested. A separate form must be submitted for each application. For convenience of mailing, the form is



designed for use in a standard window envelope.

<sup>1</sup> Form IT- or FC-743A may be obtained at all Department of Commerce Field Offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C.

#### § 372.9 [Amendment]

4. Section 372.9 *Documents accompanying license applications*, paragraph (b) *Originals must be available* is amended to read as follows:

(b) *Originals must be available.* The Bureau of Foreign Commerce may demand the original of any copy of a document submitted in support of an export license application. Such original must be kept available for inspection, upon request of the Bureau of Foreign Commerce, for 3 years from the date of the application for export license, as shown in Item 1 of the application form.

#### § 372.11 [Amendment]

5. Section 372.11 *Issuance and use of validated license*, Note 1 following paragraph (a) is amended to read as follows:

NOTE: 1. *Case number.* Each Form FC-419, Application for Export License, when received by the Bureau of Foreign Commerce, is given a number (the Bureau of Foreign Commerce case number) for identification purposes. Assignment of a Bureau of Foreign Commerce case number merely indicates receipt of the application and does not mean that the application has been approved or rejected.

6. The present § 373.4 is revoked, and a new § 373.4 *Distribution of United States commodities by foreign-based subsidiary, affiliate, or branch* is added to read as follows:

#### § 373.4 Distribution of United States commodities by foreign-based subsidiary, affiliate, or branch.

(a) *Definitions.* As used in this section (and in the related forms) the following terms are defined:

(1) *Form FC-243 procedure.* The provisions for the distribution of United States commodities by the United States exporter or his subsidiary, affiliate, or branch set forth in this section are referred to as the "Form FC-243 procedure."

(2) *Foreign-based stock.* The term "foreign-based stock" is a stock of United States-origin commodities, shown on the Positive List of Commodities (see § 399.1 of this chapter), which have been duly licensed by the Bureau of Foreign Commerce for stocking outside the United States by a United States exporter, his subsidiary, affiliate, or branch for the purpose of distribution in one or more countries to customers approved by the Bureau of Foreign Commerce.

(3) *Distributor.* The term "distributor," as used in this regulation, refers to, and is limited to, a subsidiary, affiliate, or branch of the United States exporter wherein:

(i) The subsidiary, affiliate, or branch is under the full and active control of the United States exporter;

(ii) The United States exporter owns a majority of any existing voting stock in the subsidiary, affiliate, or branch;

(iii) The subsidiary, affiliate, or branch distributes or sells United States commodities covered by a validated Form FC-243 exclusively to customers approved by the Bureau of Foreign Commerce under this Form FC-243 procedure<sup>1</sup> either for: (a) delivery from foreign-based stocks, or (b) for shipment directly from the United States, pursuant to instructions<sup>2</sup> of the subsidiary, affiliate, or branch to fill an urgent need or a specialized requirement for a commodity covered by this Form FC-243 procedure but not available for shipment through the foreign-based stock; and

(iv) The subsidiary, affiliate, or branch is located in a country other than Poland (including Danzig), Cuba, or a Subgroup A country.

(4) *Customer.* The term "customer," as used in this regulation, means a person or firm in a country other than Poland (including Danzig), Cuba, or a Subgroup A country who is supplied United States-origin commodities through a distributor as defined.

(b) *Establishment of alternative procedure for the distribution of United States commodities by a subsidiary, affiliate, or branch of United States exporter.* (1) A United States exporter is required, under specified circumstances, to obtain and submit to the Bureau of Foreign Commerce certain documentation in support of his application for an export license. (See §§ 373.2, 373.65, 373.67, and 373.70.) In addition, a re-exportation to a third country must be authorized by means of a specific individual authorization. (See §§ 371.4 and 372.12 of this chapter.)

(2) An alternative to these provisions is hereby established as described below, permitting a United States exporter either to stock United States commodities abroad at a central location for distribution to customers in the country where the stock is located or in other countries; or, when necessary to fill an urgent need or a specialized requirement which can not be filled from the foreign-based stock, to ship the commodities directly to these customers from his United States stocks.

(c) *Exportations, reexportations, and distributions under the Form FC-243 procedure.* (1) A United States exporter who qualifies under the provisions of paragraph (d) of this section may apply for and obtain licenses for any commodities indicated on the Positive List of Commodities to be exported to an approved destination for the purpose of maintaining a foreign-based stock. In addition, the United States exporter may apply for an export license to ship directly to his distributor's customer, upon instructions from his distributor, when shipment directly from the United States is necessary to supply promptly an urgent need or specialized requirement for

commodities which are covered by this Form FC-243 procedure but are not available from the foreign-based stock. These exportations may be made without obtaining or submitting to the Bureau of Foreign Commerce the supporting documents otherwise required by the Export Regulations and referred to in paragraph (b) of this section.

(2) The Form FC-243 procedure also permits the distributor, until the expiration or revocation of his validated Form FC-143, to distribute or reexport the commodities stocked abroad, without obtaining prior Bureau of Foreign Commerce approval for each separate individual transaction, to any customer who has been approved by the Bureau of Foreign Commerce in accordance with the provisions of paragraph (e) of this section, whether such customer is in the country where the foreign-based stock is located or in any other country.

(3) Only a distributor, as defined, will be qualified under the Form FC-243 procedure.

(4) Where a commodity, customer, distributor, or destination is not approved under the Form FC-243 procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Poland (including Danzig), Cuba, or in a Subgroup A country will not be approved as distributors under the Form FC-243 procedure. Customers in Poland (including Danzig), Cuba, or in a Subgroup A destination may be approved only on an individual transaction basis with the prior written approval of the Bureau of Foreign Commerce for each shipment from the foreign-based stock.

(5) In no case may an exportation, reexportation, distribution, or resale be made under the Form FC-243 procedure to any person or firm until the exporter has received a validated Form FC-243 showing the Bureau of Foreign Commerce approval of that person or firm as a customer.

(6) The permissive reexportation provisions of the Export Regulations relating to the reexportation of commodities within the established GLV dollar value limits (see §§ 371.4(b) and 372.12(d) (6) of this chapter) shall not apply to exportations, reexportations, or distributions under this procedure.

(d) *Qualification of United States exporter and his distributor to participate in Form FC-243 procedure.* (1) A United States exporter desiring to qualify for participation in the Form FC-243 procedure shall complete and submit to the Bureau of Foreign Commerce, five copies of Form FC-143,<sup>3</sup> Request for Authorization to Distribute United States-origin Commodities to Approved Customers.

(2) After consideration of the request, the Bureau of Foreign Commerce will notify the United States exporter of the action taken. If approved, he will be furnished two validated copies of the Form FC-143, each of which will contain the validation number and expiration date. One copy shall be retained by the exporter, and one copy shall be for-

<sup>1</sup> See paragraph (c) (4) regarding use of other procedures.

<sup>2</sup> The instruction from the distributor to ship directly from the United States to his approved customer, together with the related export order, shall be retained by the United States exporter, as provided by §§ 372.4(f) (4) and 373.4(h).

<sup>3</sup> Filed as part of original document.



warded to his distributor. Generally, the expiration date will be on June 30 of the year following the date on which the Form FC-143 is signed by the United States exporter, unless an earlier termination date is requested. If the request for approval is denied, the exporter will be notified by the return of the Form FC-143 and a rider which will state the reason for rejection.

(e) *Approval of customer of distributor of foreign-based stocks.* (1) Each customer to whom distribution is proposed, whether in the country where the foreign-based stock is located or in any other country, must complete and submit to the distributor, or directly to the United States exporter, five copies of Form FC-243, Multiple Transactions Statement by Customer of Distributor of United States Commodities Stocked Abroad. These forms shall be forwarded by the United States exporter to the Bureau of Foreign Commerce either with or subsequent to the submission of Form FC-143.

(2) If the Form FC-243 is approved two validated copies of the approved form will be sent to the United States exporter. Generally, the expiration date shall be on June 30 of the year following the date on which the Form FC-243 is signed by the customer, unless an earlier expiration date is requested. If the customer is not approved, the form with a rider will be returned to the United States exporter explaining the reason for rejection. One copy of either the approved or rejected form shall be retained by the exporter at his United States office and one copy shall be sent to the foreign office from which the distribution is controlled. These forms shall be used in assuring that distribution under the Form FC-243 procedure will be made only to customers for which the Bureau of Foreign Commerce has approved a Form FC-243.

(3) In addition, where the customer is located in Switzerland or in Yugoslavia, the exporter or his distributor must obtain for each transaction a Swiss Blue Import Certificate or a Yugoslav End-Use Certificate showing the United States as the country of origin of the commodities to be distributed. However, neither the Swiss Blue Import Certificate nor the Yugoslav End-Use Certificate need be submitted to the Bureau of Foreign Commerce. Instead, these documents shall be retained in accordance with the provisions in paragraph (h) of this section.

(f) *Application for export license.* (1) A United States exporter who has received a validated Form FC-143 shall enter the validation number on an application for an export license under the provisions of the Form FC-243 procedure instead of submitting to the Bureau of Foreign Commerce an Import Certificate, Statement by Consignee and Purchaser (either Form FC-842 for a single transaction or Form FC-843 for multiple transactions) or other supporting document. (See paragraph (b) of this section.) The following statement shall be inserted in the space entitled "Additional Information" on Form FC-419, Application for Export License, in entering the Form FC-143 validation number:

The ultimate consignee named in this application is an approved distributor of United States commodities stocked abroad and has been assigned validation number (insert Form FC-143 validation number).

(2) The application should include a request for reexportation authorization for each country in which a customer has been approved by the Bureau of Foreign Commerce.

(3) The application for an export license supported by the validation number will be considered by the Bureau of Foreign Commerce, provided it is received prior to the expiration date shown on the validated Form FC-143.

(4) In some instances, the distributor may receive from one of his approved customers an order for a commodity to fill an urgent need or a specialized requirement, which is authorized for distribution under a validated Form FC-143 but which is not in his foreign-based stock. In such a case, the distributor may request the United States exporter to ship directly to the customer from the United States. A United States exporter who receives such a request from his distributor shall include on his license application, or on an attachment thereto, the following certification in lieu of the Import Certificate, statement by consignee and purchaser, or other supporting document (see paragraph (b) of this section):

The ultimate consignee named in this application is an approved customer of our foreign distributor. Our distributor (insert Form FC-143 validation number) requests that shipment be made directly from the United States to fill an urgent need or specialized requirement.

(g) *Special destination control statement.* (1) The following special destination control statement, as set forth in § 379.10(c) (2) (ii) of this chapter, will be entered on the export license by the Bureau of Foreign Commerce and the licensee shall enter this destination control statement on each related shipper's export declaration, commercial invoice, and bill of lading for all exportations from the United States made under the Form FC-243 procedure. The country where the foreign-based stock is located shall be shown in the first blank space. The country or countries where approved customers are located shall be shown in the second blank space.

These commodities licensed by the United States for ultimate destination \_\_\_\_\_ and for distribution or resale in \_\_\_\_\_ Diversion contrary to the United States law prohibited.

(2) This destination control statement shall also be entered on each commercial invoice and bill of lading sent to the approved foreign customer, whether the invoice or bill of lading is prepared in the United States by the exporter or abroad by the distributor. The destination control statement entered on the invoice or bill of lading sent to the foreign customer shall show the customer's country in the first blank space, and in the second space any country or countries to which reexportation is authorized by the customer's validated Form FC-243 shall be shown.

(3) Regardless of the entries made on the destination control statement, however, distribution or resale may not be made under this procedure, to any customer until a validated Form FC-243 showing the Bureau of Foreign Commerce approval of the customer has been received by the United States exporter.

(4) The other forms of the destination control statement are not applicable to exportations made under the Form FC-243 procedure and shall not be used in these cases.

(h) *Records and reports.* (1) The United States exporter shall retain one copy of each validated or rejected Form FC-143 and FC-243 at his office in the United States and one copy at his distributor's office abroad from which the distribution of the foreign-based stock is controlled. These forms shall be retained for a period of three years from the date of validation or rejection.

(2) All other forms, documents, correspondence, memoranda, books, and other records, as required to be retained by this procedure, relating to any exportation from the United States under the Form FC-243 procedure shall be retained by the exporter for a period of three years from the date the commodities are exported.

(3) All records regarding a distribution, sale, or reexportation from a foreign-based stock under this Form FC-243 procedure shall be retained at the office from which the distribution is controlled for a period of three years from the date of distribution. In addition, any Swiss Blue Import Certificate or Yugoslav End-Use Certificate obtained in accordance with the requirements of this procedure shall also be retained by the distributor for a period of three years from the date the commodities are distributed. As a minimum, these records shall contain for each distribution the following:

(i) Validated Form FC-243 number assigned to the customer.

(ii) Full description of each commodity shipped from the foreign-based stock.

(iii) Units of quantity or value of each commodity distributed.

(iv) Date of shipment.

(4) All of the above-mentioned records shall be made available for inspection upon request, by the Bureau of Foreign Commerce, by a United States Foreign Service post, or by any other accredited representative of the United States Government. In the event that a foreign governmental regulation or statute prohibits a United States Government representative from inspecting these records in the foreign country, the exporter shall, upon instruction from the Bureau of Foreign Commerce, obtain these records from his distributor and forward them, in original form or in duplicate or reproduction, to his United States office or directly to the Bureau of Foreign Commerce.

(5) However, in the event that it becomes necessary to forward records to the United States, copies of validated Forms FC-143 and FC-243 shall be forwarded only if specifically requested.

(i) *Effect of other regulations.* Insofar as consistent with this section all



of the other provisions of the Export Regulations shall apply equally to applications for licenses and licenses issued under this section.

#### § 373.51 [Amendment]

7. Section 373.51. *Aircraft and equipment, parts, accessories, and components therefor.* In the Note following paragraph (a) the questions and answers numbered 12 and 13 are revised to read as follows:

12. Q. What is the usual time for processing a license application in the Department of Commerce?

A. Currently the Department of Commerce processes approximately 95% of applications within five days after receipt, and approximately 99% within ten days. An application which involves a new foreign policy or security question which the Bureau of Foreign Commerce has not previously resolved may require a longer period of time for processing.

13. Q. How may an exporter obtain information as to the status of his license application?

A. A status inquiry should be made on Form FC-743-A and addressed to the Exporters' Service Section, Attention: FC-2650, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C., or to any Department of Commerce field office. Item 2 of Form FC-743-A need not be completed. Generally, an applicant should allow a period of two weeks after submitting a license application before making a status inquiry.

#### § 374.4 [Amendment]

8. Section 374.4 *Application procedure* is amended in the following particulars:

a. Paragraph (a) *Documents required*, subparagraph (1) is amended to read as follows:

(1) Form FC-420, Application Processing Card.<sup>1</sup>

<sup>1</sup> Forms FC-419, FC-420, and FC-988 may be obtained at all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D.C.

b. Paragraph (b) *Preparation of documents*, subparagraph (1) is amended to read as follows:

(1) Form FC-420, Application Processing Card. Form FC-420, Application Processing Card, shall be prepared in accordance with the provisions of Note 3 following § 372.5(a) with the following exceptions:

(i) In the Schedule B Number space, the applicant shall enter "Project License."

(ii) The processing code space shall not be completed.

(iii) In the commodity description space, the name or description of the project shall be entered.

#### § 375.2 [Amendment]

9. Section 375.2 *Application requirements*, paragraph (a) *Application form and consignee list* is amended to read as follows:

(a) *Application form and consignee list.* An application for a Blanket (BLT) License shall be submitted on Form FC-419, Application for Export License, with Form FC-420, Application Processing Card attached, and shall be accompanied

by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each consignee. In preparing such list, the applicant shall leave ample space between listings in order to enable Collectors of Customs to enter quantities shipped to each named consignee.

#### § 376.3 [Amendment]

10. Section 376.3 *Consideration of applications*, paragraph (a) *Qualification for PRL License*, subparagraph (2) *Records and record keeping* is amended to read as follows:

(2) *Records and record keeping.* An applicant for a PRL License shall have in his possession, at the time the application is filed, documentary evidence of the existence of the relationship with each ultimate consignee, as described in subparagraph (1) of this paragraph. The documents or records shall be retained by the applicant for three years from the date of the application for export license, as shown in Item 1 of the application form and shall be kept available for inspection, upon demand, by the Bureau of Foreign Commerce.

#### § 377.3 [Amendment]

11. Section 377.3 *Consideration of applications*, paragraph (b) *Applicant-consignee relationship* is amended to read as follows:

(b) *Applicant-consignee relationship.* An applicant for a TL License must have an established business relationship with each ultimate consignee named on the application for a period of two years immediately preceding the date of filing the application, and must have exported the commodities covered by the application to each ultimate consignee in an amount totaling at least \$2,000 during these two years, part of which was exported during each of the two years. For example, if the application is filed on April 10, 1961, this relationship must have existed during the years April 10, 1960, through April 9, 1961, and April 10, 1959, through April 9, 1960. In addition, an applicant for a TL License shall have in his possession, at the time the application is filed, documentary evidence of the existence of the prescribed relationship with each ultimate consignee. The documents or records shall be retained by the applicant for three years from the date of the application for export license, as shown in Item 1 of the application form, and shall be kept available for inspection, upon demand, by the Bureau of Foreign Commerce.

#### § 377.5 [Amendment]

12. Section 377.5 *Application requirements*, paragraph (a) *Application form* is amended to read as follows:

(a) *Application form.* An application for a Time Limit License shall be prepared and submitted on Form FC-419, Application for Export License (Revised Jan. 1956) with Form FC-420, Application Processing Card attached, in accordance with instructions contained in § 372.5 of this chapter, with the following specific modifications.

13. Section 382.15 *Indefinite denials* is amended to read as follows:

#### § 382.15 Indefinite denials.

(1) Whenever the Bureau of Foreign Commerce finds it impracticable, during the course of an investigation or other proceeding or action, to subpoena a person or his books, records, and other writings, the Bureau of Foreign Commerce may serve upon such person interrogatories, requests for admissions of facts, and requests for the production of books, records and other writings, as therein specifically set forth. If such person, within 10 days after service thereof, fails or refuses to furnish responsive answers to such interrogatories or requests for admissions, or fails to produce the requested books, records and other writings, without good cause being shown, the Bureau of Foreign Commerce may without prior notice issue an order, as provided in § 382.1, denying export privileges to such person. This order shall remain in effect until such person shall respond to the interrogatories or requests or shall give adequate reasons to the Bureau of Foreign Commerce for his failure or refusal to so respond. Such interrogatories or requests may be served in the same manner as provided in § 382.3 (b) for service of a charging letter.

(2) The procedure regarding applications for indefinite denial orders and motions to vacate or modify such orders shall conform substantially to that provided for temporary denial orders by §§ 382.11(b) (2) and 382.11(c).

#### § 385.2 [Amendment]

14. Section 385.2 *General licenses*, paragraph (b) *General License GTDU; unclassified technical data either unpublished or not generally available in published form*, subparagraph (3) (ii) (d) is amended to read as follows:

(d) Airborne electronic navigation apparatus and airborne radar equipment, Schedule B No. 70867.

#### § 385.4 [Amendment]

15. Section 385.4 *Exportation under a validated license*, paragraphs (b) and (c) are amended to read as follows:

(b) *Application form and Application Processing Card.* An application for a technical data license shall be submitted on Form FC-419, Application for Export License, in duplicate, accompanied by a Form FC-420, Application Processing Card, as described in paragraph (c) of this section, and the letter of explanation described in paragraph (d) of this section.

(c) *Completion of application form and Application Processing Card.* (1) Form FC-419 shall be completed as provided in § 372.5 of this chapter, except that the items for producer, quantity to be shipped, Schedule B number, and price, shall be left blank. The commodity description item shall contain a general statement which specifies the form(s) of the technical data (blue prints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form FC-419 imme-



diately above the printed words "United States of America."

(2) The Form FC-420, Application Processing Card, shall be completed as provided in § 372.5 of this chapter, except that the Schedule B number, processing code, related commodity group number, and commodity description shall be omitted and the symbol "TD" shall be entered in the space provided for the processing code.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 F.R. 59, 3 CFR, 1948 Supp.)

JOHN C. BORTON,  
Acting Director,  
Bureau of Foreign Commerce.

[F.R. Doc. 61-4864; Filed, May 24, 1961;  
8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7735 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Aluminum Company of America et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits*. Subpart—Disparaging competitors and their products—Competitors' products: § 13.1000 *Performance*; § 13.1020 *Results*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Aluminum Company of America (Pittsburgh, Pa.) et al., Docket 7735, Mar. 4, 1961]

*In the Matter of Aluminum Company of America, a Corporation, Wear-Ever Aluminum, Inc., a Corporation, and Ketchum, MacLeod & Grove, Inc., a Corporation*

Consent order requiring two aluminum manufacturers—parent corporation and wholly owned subsidiary—and their corporate advertising agency, to cease using false and misleading representations and disparaging competitive products in demonstrations on television programs to sell their "New Super-Strength Alcoa Wrap" aluminum household foil.

The order to cease and desist is as follows:

*It is ordered*, That Respondents Aluminum Company of America, Wear-Ever Aluminum, Inc., and Ketchum, MacLeod & Grove, Inc., corporations, and their officers, and Respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of New Super-Strength Alcoa Wrap, or other similar products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any demonstration purporting to prove, or representing as proving, the properties of said products in pre-

serving the quality or appearance of food, or the strength, durability or any other property, quality or characteristic of said products, when such demonstration does not so prove;

2. Disparaging by untruthful statements or any misleading or deceptive method, including any pictorial presentation or demonstration, or in any other deceptive or misleading manner, any property, quality or characteristic of any product competitive with New Super-Strength Alcoa Wrap or other similar product of Respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 3, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 61-4841; Filed, May 24, 1961;  
8:46 a.m.]

[Docket 8179 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Alfred Mielziner and Mielziner Furs

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*: § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: § 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Alfred Mielziner trading as Mielziner Furs, Cleveland, Ohio, Docket 8179, Mar. 1, 1961]

*In the Matter of Alfred Mielziner, an Individual Trading as Mielziner Furs*

Consent order requiring a Cleveland, Ohio, furrier to cease violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

*It is ordered*, That Alfred Mielziner, trading as Mielziner Furs or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering

for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth all the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of labels.

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the required sequence.

E. Failing to set forth separately on labels affixed to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

B. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth on invoices the item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondent Alfred Mielziner, an individual trading as Mielziner Furs shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: March 1, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 61-4842; Filed, May 24, 1961;  
8:46 a.m.]



[Docket 8074 c.o.]

**PART 13—PROHIBITED TRADE PRACTICES****Nibco Inc.**

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Nibco Inc., Elkhart, Ind., Docket 8074, Mar. 2, 1961]

Consent order requiring an Elkhart, Ind., manufacturer of valves, fittings, and related products used by plumbers and pipefitters, to cease discriminating among its customers in violation of section 2(d) of the Clayton Act by such practices as paying sums of money amounting to more than \$2,500 to the American Radiator and Standard Sanitary Corp. for promoting its products through television programs in the trading areas of New Orleans, La., and Pittsburgh, Pa., without making comparable payments available to competitors of the latter.

The order to cease and desist is as follows:

*It is ordered,* That respondent Nibco Inc., a corporation, and its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of pipe, pipe fittings, and related products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customers of respondent as compensation or in consideration for any services or facilities furnished by or through such customers in connection with the handling, offering for sale, sale or distribution of said products, unless such payment or consideration is affirmatively made available on proportionally equal terms to all other customers competing in the distribution of such products.

*It is further ordered,* That Count I of the complaint herein is dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 2, 1961.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
*Secretary.*

[F.R. Doc. 61-4843; Filed, May 24, 1961; 8:47 a.m.]

**Title 19—CUSTOMS DUTIES****Chapter I—Bureau of Customs, Department of the Treasury**

[T.D. 55389]

**PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE****Notice of Refunds of Excessive Duties**

To permit the elimination of a notice of refund, customs Form 5269, by having the entry number or numbers placed on the refund check unless the payee has requested that the above-mentioned form be furnished, § 24.36 of the Customs Regulations is amended by inserting the following sentence after the first sentence in paragraph (a): "The use of customs Form 5269 may be eliminated by having the entry number or numbers placed on the refund check unless the payee has requested that the above-mentioned form be furnished."

(R.S. 161, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] PHILIP NICHOLS, JR.,  
*Commissioner of Customs.*

Approved: May 18, 1961.

A. GILMORE FLUES,  
*Assistant Secretary of the Treasury.*

[F.R. Doc. 61-4863; Filed, May 24, 1961; 8:48 a.m.]

**Title 29—LABOR****Chapter V—Wage and Hour Division, Department of Labor****PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO****Wage Order**

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 547 (26 F.R. 2194), as amended by Administrative Orders Nos. 548 and 549 (26 F.R. 3154, 3778), the Secretary of Labor appointed and convened Industry Committee No. 52-B. Administrative Order No. 547 referred to Industry Committee No. 52-B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the leather, leather goods, and related products industry in Puerto Rico, as defined in that Order, who are engaged in commerce or in the production of goods for commerce, and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2(b).

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor

Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 52-B are hereby published in this order amending 29 CFR Part 602, effective June 10, 1961, to read as follows:

Sec.  
602.1 Definition.  
602.2 Wage rates.  
602.3 Notices.

AUTHORITY: §§ 602.1 to 602.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6, 52 Stat. 1062, as amended; 29 U.S.C. 205, 206.

**§ 602.1 Definition.**

The leather, leather goods, and related products industry in Puerto Rico is defined as the curing, tanning, or other processing of hides, skins, leather, or furs, and the manufacture of products therefrom; the manufacture from artificial leather, fabric, plastics, paper or paperboard, or similar materials of trunks, suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, sport and athletic gloves and mittens, belts (except fabric belts), and like articles; and the manufacture of baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials: *Provided, however,* That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry (Part 616 of this chapter), the chemical, petroleum, rubber, and related products industry (Part 670 of this chapter), the needlework and fabricated textile products industry (Part 612 of this chapter), the shoe and related products industry (Part 601 of this chapter), or the fabric and leather glove industry (Part 603 of this chapter), as defined in the wage orders for those industries in Puerto Rico.

**§ 602.2 Wage rates.**

(a) Wages at a rate of not less than 80 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the belt classification of the leather, leather goods, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of apparel belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials (except fabric).

(b) Wages at a rate of not less than 95 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hide curing classification of the leather, leather goods, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined



as the salting and other curing of hides and skins and operations incidental thereto.

(c) Wages at a rate of not less than 67 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the sporting and athletic goods classification of the leather, leather goods, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of sporting and athletic goods, including sport and athletic gloves and mittens and baseballs, softballs, footballs, and basketballs covered with leather, artificial leather, fabric, plastics, or similar materials.

(d) Wages at a rate of not less than 66 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather tanning and finishing classification of the leather, leather goods, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the tanning or other processing of hides, skins, leather, or furs, except the activities included in the hide curing classification, as defined in paragraph (b) of this section and except the processing of such material in the course of the fabrication of products therefrom.

(e) Wages at a rate of not less than 63 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the leather, leather goods, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of all products and activities included in the leather, leather goods, and related products industry except those included in the belt classification, the hide curing classification, the sporting and athletic goods classification, and the leather tanning and finishing classification.

#### § 602.3 Notices.

Every employer subject to the provisions of § 602.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 602.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 22d day of May 1961.

CLARENCE T. LUNDQUIST,  
Administrator.

[F.R. Doc. 61-4871; Filed, May 24, 1961; 8:50 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

#### SUBCHAPTER C—CLAIMS AND ACCOUNTS

### PART 836—CLAIMS AGAINST THE UNITED STATES

#### Foreign Claims

In Part 836, the center heading is revised to read "Foreign Claims", and §§ 836.61 to 836.78 are rescinded and the following substituted therefor:

|        |                                            |
|--------|--------------------------------------------|
| Sec.   |                                            |
| 836.61 | Scope.                                     |
| 836.62 | Definitions.                               |
| 836.63 | Who has claims responsibility.             |
| 836.64 | Cross-servicing claims.                    |
| 836.65 | Claims covered by insurance.               |
| 836.66 | Cause of incident.                         |
| 836.67 | Cognizable claims.                         |
| 836.68 | Claims not cognizable.                     |
| 836.69 | Claims cognizable under other directives.  |
| 836.70 | Law applicable.                            |
| 836.71 | When claim must be presented.              |
| 836.72 | Who presents claims.                       |
| 836.73 | How claims are settled.                    |
| 836.74 | Qualifications of members.                 |
| 836.75 | Composition of commission.                 |
| 836.76 | Monetary jurisdiction.                     |
| 836.77 | Claims for more than \$1,000 and \$15,000. |
| 836.78 | How claims are processed.                  |
| 836.79 | Action by commission.                      |
| 836.80 | Settlement agreement.                      |
| 836.81 | Compensation for personal injury or death. |

AUTHORITY: §§ 836.61 to 836.81 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70A Stat. 154, 155; 72 Stat. 1461; 10 U.S.C. 2734, 2735.

SOURCE: AFR 112-6, April 5, 1961.

#### § 836.61 Scope.

Sections 836.61 to 836.81 outline procedures for administrative settlement of claims against the United States by inhabitants of foreign countries for death, personal injury, or damage to or loss of property which arise outside the United States, its Territories, Commonwealths, or possessions and are caused by military or civilian personnel.

#### § 836.62 Definitions.

NOTE: Other terms used in §§ 836.61 to 836.81 are defined in §§ 836.200 to 836.220.

(a) *Foreign country.* A national state other than the United States. This includes any place under the jurisdiction of the United States in a foreign country.

(b) *Inhabitant of a foreign country.* A person who dwells or resides in a foreign country, including a corporation or other business association. A corporation or other business association is not necessarily excluded as an inhabitant because organized under United States law. Neither citizenship nor domicile is required.

#### § 836.63 Who has claims responsibility.

The Staff Judge Advocate responsible for claims in the geographic area will supervise Air Force foreign claims commissions and U.S. Sending State Offices within his area. He will insure prompt investigation of incidents and proper settlement or forwarding of claims; uni-

form practice and reporting procedures; and the promotion of friendly relations with foreign countries.

#### § 836.64 Cross-servicing claims.

(a) When requested by any United States Armed Forces approving authority concerned, any claim cognizable under 10 U.S.C. 2734 generated by the Department of Defense, or under 10 U.S.C. 2733 or 2734 generated by any United States Armed Force, will be processed or settled in accordance with §§ 836.61 to 836.81 or §§ 836.11 to 836.27, as appropriate, by a commission appointed by the Secretary of the Air Force or his designee.

(b) When the Air Force has been assigned responsibility for claims in a particular country or area, all tort claims for and against the United States cognizable under these statutes or international agreements, including those arising out of nonappropriated fund activities, will be processed by an Air Force Foreign Claims Commission, U.S. Sending State Office, or the foreign country, as appropriate.

(c) A claim cognizable under §§ 836.11 to 836.27, 836.160 to 836.165, or 836.61 to 836.81, arising in a foreign country where another service has been assigned responsibility for its settlement, normally will be investigated and sent to the appropriate claims office of that service for settlement.

(d) Nonappropriated fund claims will be paid as provided by regulation of the service concerned. (See §§ 836.160 to 836.165 for Air Force claims.)

#### § 836.65 Claims covered by insurance.

Settlement of claims is the primary responsibility of the insurer when the incident giving rise to the claim is covered by public liability insurance. However, the United States is not precluded from the settlement of such claims. When settlement is made—or at an earlier time if, in the opinion of the approving authority, it is in the best interest of the United States—an assignment of the insured's rights against his insurer will be obtained and forwarded through claims channels to Hq USAF (AFCJA-13), Washington 25, D.C.

#### § 836.66 Cause of incident.

A determination is required that the incident giving rise to the claim was proximately caused by one of the following:

- (a) A noncombat activity.
- (b) Military personnel.
- (c) Civilian personnel who are citizens of the United States.
- (d) Civilian personnel who are not citizens of the United States and who were hired in one country for employment in another.

(e) Civilian personnel who are not citizens of the United States, other than those in paragraph (d) of this section, acting within the scope of their employment.

EXCEPTION: Claims arising from the use of United States Armed Forces or Department of Defense vehicles in the authorized possession of these civilian personnel when they have deviated from the scope of em-



ployment will be transmitted through claims channels to Hq USAF (AFCJA-13), Washington 25, D.C., for disposition.

#### § 836.67 Cognizable claims.

Unless otherwise prescribed, claims arising outside the United States, its Territories, Commonwealths, and possessions are cognizable under §§ 836.61 to 836.81 for:

(a) Damage to or loss of real property of any foreign country or of any political subdivision or inhabitant of a foreign country, including damage or loss incident to use and occupancy, except as excluded by § 836.69(1).

(b) Damage to or loss of personal property of any foreign country or of any political subdivision or inhabitant of a foreign country, including property bailed to the United States.

(c) Personal injury to or death of any inhabitant of a foreign country.

#### § 836.68 Claims not cognizable.

A claim is not cognizable under §§ 836.61 to 836.83 if it:

(a) Results directly or indirectly from combat activities, or when settlements are suspended by a commander during a war or armed conflict.

(b) Arises in a foreign country, is presented to the authorities of a foreign country, and settled under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Status of Forces Agreement, or other similar treaty or agreement.

(c) Is purely contractual in nature.

(d) Is for court costs or reimbursement for a satisfied judgment against Air Force military or civilian personnel.

(e) Is based on the negligence of a United States concessionnaire or other independent contractor, or his employees and dependents.

(f) Arises from private contractual or domestic obligations.

(g) Arises out of the activities of dependents of military or civilian personnel, their guests, servants, or pets.

(h) Is based solely on compassionate grounds (solatium).

(i) Is a bastardy claim.

(j) Is for patent or copyright infringement.

(k) Is waived under an international agreement.

(l) Is for rent, damage, or other payments involving the regular acquisition, possession, and disposition of real property or interests therein by and for the Air Force (see §§ 836.200 to 836.220).

(m) Is for the taking of private property by trespass resulting from the flight of aircraft.

(n) Falls under any workmen's compensation law or regulation, whether:

(1) Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742, as amended, 5 U.S.C. 751, et seq.).

(2) Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended, 33 U.S.C. 901, et seq.).

(3) Local law or custom.

(4) Compensation or similar benefits are provided by insurance (§§ 836.160 to 836.165) or by United States contract, and the costs or premiums are indirectly paid by the United States.

**EXCEPTION:** When a claim is within subparagraphs (3) or (4) of paragraph (n) of this section, an award by a commission may be authorized, in each case, by any of the following:

The Judge Advocate General.

Assistant Judge Advocate General.

Chief, Claims Division, Office of The Judge Advocate General.

Staff Judge Advocate and Director of Claims, United States Air Force in Europe.

Staff Judge Advocate and Director of Claims, Pacific Air Force.

Staff Judge Advocate, Military Air Transport Service.

Staff Judge Advocate, Caribbean Air Command.

Staff Judge Advocate, 64th Air Division (Defense).

#### § 836.69 Claims cognizable under other directives.

(a) *Claims cognizable under the Military Claims Act.* Claims will be settled under §§ 836.61 to 836.81, if applicable, rather than under §§ 836.11 to 836.27.

(b) *Claims cognizable under Uniform Code of Military Justice.* Claims which are within the scope of §§ 836.61 to 836.81 and also within the scope of §§ 836.51 to 836.56 may be processed under the provisions of §§ 836.51 to 836.56 or §§ 836.61 to 836.81, or under both regulations, as the facts and circumstances may warrant; *Provided*, That such settlement can be accomplished without defeating the purpose of 10 U.S.C. 2734 and §§ 836.61 to 836.81.

(c) *Personnel claims.* Claims which may be settled under §§ 836.90 to 836.101 will not be settled under §§ 836.61 to 836.81.

(d) *Maritime claims.* Claims which may be settled under §§ 836.141 to 836.148 or §§ 837.11 to 837.16 may be settled under §§ 836.61 to 836.81 only when specifically authorized by The Judge Advocate General. Authority may be requested by a communication containing a summary of the facts, without forwarding the claim file. In cross-served claims, the service originating the claim makes this determination.

#### § 836.70 Law applicable.

(a) *Proximate cause, contributory or comparative negligence, and joint tortfeasors.* The law or custom of the place where the incident occurred will apply.

(b) *Scope of employment.* United States law will apply.

(c) *Death.* Only one claim arises for all beneficiaries.

(d) *Damages.* See §§ 836.200 to 836.220.

#### § 836.71 When claim must be presented.

A claim must be presented, within 2 years after the incident from which it arose, either to the appropriate United State or foreign government officials.

#### § 836.72 Who presents claims.

(a) *Proper claimant.* Each claimant (or the decedent in a death claim) must have been an inhabitant of a foreign country at the time of the incident, and not otherwise excluded as a claimant.

(b) *Claimants excluded.* (1) A national (or a corporation controlled by a national) of a country at war or en-

gaged in armed conflict with the United States, or of any country allied with such enemy country, unless the foreign claims commission considering the claim or the local military commander determines that at the time of the incident the claimant was, and is, friendly to the United States.

(2) United States Armed Force military and civilian personnel and their dependents who are inhabitants of the United States and in a foreign country primarily because of their sponsor or military orders.

(3) United States citizens who are not inhabitants of a foreign country.

(c) *Insurers and other subrogees.* An insurer or other subrogee may not present a claim in his own name. A claim for the entire amount of damage or injury sustained will be presented by, and settlement made solely with, the insured, without regard to insurance.

#### § 836.73 How claims are settled.

(a) Claims under §§ 836.61 to 836.81 will be settled by Air Force foreign claims commissions, if within their monetary jurisdiction.

(b) The Judge Advocate General may authorize appointment of one or more commissions where qualified Air Force personnel are stationed and claims may arise.

(c) If the activation or inactivation of such a commission is required, the Staff Judge Advocate responsible for claims in the geographic area will report the requirement to Hq USAF (AFCJA-13), Washington 25, D.C. This report will contain a recommendation as to the composition of the commission (including the names, grades, and qualifications of the Air Force officers to be appointed) and the proposed location.

#### § 836.74 Qualifications of members.

Each member of a commission must be an Air Force commissioned officer with legal training or business or other experience enabling him to analyze evidence and determine pertinent facts, laws, and regulations.

#### § 836.75 Composition of commission.

A commission will be composed of one or three members. At least one member of each commission will be a Judge Advocate (this will not apply to a one-man commission if an officer with such qualifications is not reasonably available). The senior officer of a three-man commission will be its president; two members will constitute a quorum, and any action concurred in by two members will be the action of the commission.

#### § 836.76 Monetary jurisdiction.

(a) Unless specifically limited in the appointing orders, a one-man commission has authority to settle claims presented for \$1,000 or less.

(b) A three-man commission has authority to settle claims presented for \$15,000 or less. Claims presented for more than \$15,000 which are determined by the Secretary of the Air Force to be meritorious in an amount not over \$15,000 may be settled:



(1) When the commission was appointed by the United States Air Force in Europe or the Pacific Air Force, any settlement allowance for more than \$5,000 will be subject to approval of the appointing authority or his Director of Claims.

(2) When the commission was appointed other than as in paragraph (b) (1) of this section, any settlement allowance for more than \$5,000 will be subject to approval of the Chief or Assistant Chief of the Claims Division, Office of The Judge Advocate General.

(c) When a claim for more than \$5,000 is denied, approval action is not required and the commission will forward one complete claim file.

(d) When a commission settles a claim by an allowance of more than \$5,000, the appointing authority may:

(1) Approve the whole allowance or any lesser amount over \$5,000 (approval authorizes payment); or

(2) Disapprove any allowance over \$5,000 and return the claim file, with comments and recommendations, to the commission for its consideration and action.

#### **§ 836.77 Claims for more than \$1,000 and \$15,000.**

(a) Claims for more than the \$1,000 limit of a one-man commission that are not amended to an amount within its jurisdiction will be referred to the Air Force three-man commission designated by the appointing authority.

(b) Claims for more than \$15,000 not amended to an amount within the jurisdiction of a commission will nevertheless be processed by a three-man commission and forwarded promptly, through claims channels, to Hq USAF (AFCJA-13), Washington 25, D.C. Supporting papers, findings of fact, recommendations, and opinion as to the action to be taken by the Secretary of the Air Force will be included.

(c) See §§ 836.11 to 836.27 for claims under those sections.

#### **§ 836.78 How claims are processed.**

When a commission receives a claim and investigation, it will consider the claim and determine how it should be processed for settlement (see §§ 836.200 to 836.220).

(a) If the claim was not presented within 2 years after the incident arose, the claimant will be advised by the commission that the claim is barred.

(b) If necessary, the commission may conduct a further investigation, or refer the claim to appropriate authorities for investigation.

(c) The commission may confer with the claimant to resolve or determine facts.

(d) If in the best interest of the U.S. and warranted by the factual situation, the commission may conduct a hearing and take testimony.

#### **§ 836.79 Action by commission.**

Awards and settlement agreements will be expressed in the currency of the country where the incident occurred or where the claimant resides. An approximate dollar amount and the rate of exchange will be included in parentheses.

(a) *Effect.* The settlement action of a commission within its jurisdiction is final and conclusive.

(b) *Reconsideration.* A commission may reconsider its settlement at any time before payment. When the commission is composed of different personnel than at the time of the original action, settlement may be reconsidered only when new and material evidence is presented, or to correct fraud, collusion, errors in calculation, or other mistakes. On reconsideration, the opinion of a commission will state the reason for the reconsideration.

#### **§ 836.80 Settlement agreement.**

On claims recommended for settlement for more than \$5,000, an acceptance or settlement agreement will not be obtained from the claimant until after approval action by the appointing authority, his Director of Claims, or the Secretary of the Air Force.

#### **§ 836.81 Compensation for personal injury or death.**

As to any claim, allowable compensation will not include reimbursement for medical, hospital, or burial expenses furnished at the expense of the United States.

CARROLL W. KELLEY,  
Lieutenant Colonel, U.S. Air  
Force, Chief, Special Activities  
Group, Office of The  
Judge Advocate General.

[F.R. Doc. 61-4827; Filed, May 24, 1961;  
8:45 a.m.]

## **Title 47—TELECOMMUNICATION**

### **Chapter I—Federal Communications Commission**

[Docket No. 11959; FCC 61-646]

#### **PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

##### **Reallocation of Certain Fixed, Land Mobile, and Maritime Mobile Bands Between 25 and 470 Mc; Eighth and Final Memorandum Report and Order**

1. On April 3, 1957, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 9, 1957, and published in the FEDERAL REGISTER of April 16, 1957 (22 F.R. 2583). The First Memorandum Report and Order in this Docket, which applied only to Land Transportation and Maritime Mobile Services in the 152-162 Mc band, was adopted by the Commission on April 9, 1958 and published in the FEDERAL REGISTER on April 15, 1958 (23 F.R. 2424). The Second Memorandum Report and Order in this Docket, which implemented "split channel" proposals for the Public Safety Radio Services in the 150.8-162 Mc and 450-460 Mc bands and for the remaining services in the 150.8-162 Mc band, was adopted by the Commission on May 8, 1958, and published in the FEDERAL REGISTER of May 17, 1958 (23 F.R.

3351). The Third Memorandum Report and Order in this Docket, which reallocated certain portions of the 460-470 Mc Citizens Radio band to the Industrial Radio Services and implemented Commission proposals relating to the unavailability of 161.85 Mc to the Maritime Mobile Service in Puerto Rico and the Virgin Islands, a slight shifting of the 160-Mc frequencies available for assignment to remote pickup stations in Puerto Rico and the Virgin Islands on a shared basis with the Railroad Radio Service, and the availability of certain taxicab "splits" to the Industrial Radio Services outside standard metropolitan areas of 50,000 or more population, was adopted by the Commission on June 18, 1958, and published in the FEDERAL REGISTER of June 28, 1958 (23 F.R. 4782). The Fourth Memorandum Report and Order in this Docket, which reallocated the 11-meter amateur band, 26.96-27.23 Mc, to the Citizens Radio Service, was adopted by the Commission on July 31, 1958, and published in the FEDERAL REGISTER of August 9, 1958 (23 F.R. 6111). The Fifth Memorandum Report and Order, which withdrew the Commission's proposal to reallocate the 455-456 Mc and 460-461 Mc bands to the Domestic Public Land Mobile Service, was adopted by the Commission on December 2, 1959, and published in the FEDERAL REGISTER of December 9, 1959 (24 F.R. 9939).

2. A second notice of proposed rule making in this Docket, which proposed to establish an air-ground public radio-telephone service in the Domestic Public land mobile bands 454.40-455 Mc and 459.40-460 Mc and to reallocate 460-461 Mc to the Industrial Radio Services was adopted by the Commission on December 2, 1959, and published in the FEDERAL REGISTER of December 9, 1959 (24 F.R. 9937). On February 17, 1960, the Commission adopted a Sixth Memorandum Report and Order, published in the FEDERAL REGISTER of February 25, 1960 (25 F.R. 1614), which amended, effective April 1, 1960, Part 2 of the Commission's rules to accomplish the changes proposed in the Second notice of proposed rule making. The Seventh Memorandum Report and Order in this Docket, FCC 60-256, adopted March 16, 1960, and published in the FEDERAL REGISTER March 23, 1960 (25 F.R. 2421), provided a minimum 5-year equipment amortization period for Citizens Radio stations authorized to operate in the 460-461 Mc band prior to April 1, 1960.

3. The Third notice of proposed rule making in this Docket, hereinafter referred to as the third notice, FCC 60-1238, adopted by the Commission on October 19, 1960, and published in the FEDERAL REGISTER October 26, 1960 (25 F.R. 10272), proposed the following:

a. Reallocation of the band 161.625-161.775 Mc for the exclusive use of remote pickup broadcast stations in lieu of the originally proposed 161.645-161.825 Mc band;

b. Provision of an additional VHF maritime mobile public correspondence frequency pair and the designation of certain frequencies for port operations use in accordance with the VHF mari-



time mobile plan adopted at Geneva, 1959; and

c. Designation of 156.35, 156.45, and 156.55 Mc for use by limited coast stations in lieu of 156.4, 156.5, and 157.0 Mc.

4. A separate notice of proposed rule making, Docket No. 13824, FCC 60-1239, was also adopted by the Commission on October 19, 1960, and published in the *FEDERAL REGISTER* October 26, 1960 (25 F.R. 10274). This notice proposed the removal, prior to May 1, 1961, of all stations operating on the frequency 161.61 Mc to insure, insofar as possible, interference-free operation of stations in the maritime mobile service on 161.6 Mc.

5. The specified periods for filing comments and reply comments with respect to these Notices expired on January 30, 1961, and February 22, 1961, respectively. Comments were received from American Broadcasting Company (ABC); American Medical Association (AMA); City of New York Municipal Broadcasting System; Columbia Broadcasting System, Inc. (CBS); National Association of Broadcasters (NAB); National Broadcasting Company, Inc. (NBC); Peninsular Broadcasting Corporation; United Press International, Inc. (UPI); American Telephone and Telegraph Company (AT&T); American Waterways Operators, Inc.; Lake Carriers' Association; Moran Towing and Transportation Company; Association of American Railroads (AAR); Chicago, Rock Island and Pacific Railroad Company (Rock Island); Central Railroad Company of New Jersey; and New York Central System (NYC). Comments in reply to the UPI comments were filed by NAB. Late reply comments and a petition for leave to file same were received from the Associated Press (AP) on March 9, 1961. The petition is hereby granted.

6. In general, the comments of ABC, AMA, City of New York Municipal Broadcasting System, CBS, NAB, NBC, and Peninsular Broadcasting Corporation support the Commission's proposal to allocate the band 161.625-161.775 Mc for the exclusive use of remote pickup stations but express the belief that the proposal is inadequate to meet the broadcasters' need for exclusive VHF frequencies and that additional space in this range should be provided for remote pickup stations. As pointed out in the Third Notice, most of the frequencies in the VHF portion of the radio spectrum are heavily occupied by well-established services thereby precluding the provision of additional exclusive frequencies in this region of the spectrum for any stations in the land mobile service at this time. This, of course, does not include 30 kc of the 180 kc originally proposed for remote pickup stations which the Commission now proposes to divert to the Maritime Mobile Service in order to provide the coast station frequency needed for an additional public correspondence pair. Because the VHF frequencies are rapidly becoming more and more congested, the Commission has attempted to encourage more extensive use of frequencies in the 450-470 Mc band by all stations in the land mobile

service, including remote pickup. As mentioned in the Third Notice, future expansion of the VHF Maritime Mobile Service may require the pre-emption of certain land mobile service frequencies in this region of the spectrum (there are no Maritime Mobile Service allocations above 162 Mc) in order to further align our maritime mobile allocations with the international plan adopted at Geneva, 1959.

7. The comments of UPI contain a request that the Third Notice be modified to propose allocation of the band 161.625-161.650 Mc to the Industrial Radio Services for the exclusive use of UPI on a nation-wide basis to facilitate its services to radio and television stations and associated networks, and newspapers. The reply comments of NAB oppose such a modification on the grounds the broadcasters need more VHF frequency space than the unmodified Third Notice would provide, that authorization for stations in the Relay Press Service declined during 1960, and that special temporary authorizations may be obtained from the Commission for the use of appropriate frequencies during special events such as national political conventions and presidential inaugurations. The reply comments of AP are directed at the UPI counterproposal, mentioned above, and oppose the exclusive aspect of such proposal. AP states that radio communications facilities now available to the "wire services" (Relay Press Service) are wholly inadequate because of the interference problem and suggests that two clear channels in the bands under consideration herein be reserved for the exclusive use of the two general news wire services operating on a national basis, AP and UPI. While the Commission recognizes the interference problem in the Relay Press Service and the potential benefits to be derived from the exclusive use of frequencies by national news services, the need to provide a limited number of VHF channels for the exclusive use of Remote Pickup stations must also be recognized. Inasmuch as the Third Notice proposes to reduce the limited VHF space originally proposed for Remote Pickup use by some 17 percent, any further reduction at this time does not appear to be justifiable and, hence, not in the public interest.

8. The comments of AT&T, American Waterways Operators, Inc., and Lake Carriers' Association supported the instant proposals involving the VHF Maritime Mobile Service outlined in paragraph 3b and 3c above and suggested additional changes intended to enhance the service. These suggestions, listed below, are considered beyond the scope of this proceeding.

a. AT&T believes single-channel operation should be permitted in order to encourage expansion of the service.

b. Lake Carriers' Association suggests (1) that limited coast stations, on the Great Lakes at least, should be equipped for operation on 156.8 Mc and (2) that the 11-channel Great Lakes system be brought into the nearest possible accord

with the 26-channel system adopted at Geneva, 1959.

9. Comments of the Moran Towing and Transportation Company expressed concern about a possible reduction in the number of frequencies available for limited coast operations in the New York City port area and suggested that 156.65 and 156.95 Mc also be made available for limited coast operations. The rule-making herein is intended only to designate substitute frequencies for the stations covered by footnote NG31 to the Part 2 Table of Frequency Allocations, i.e., shipyard mobile stations and those limited coast stations which are used additionally as shipyard base stations. The transfer of such stations now operating on 156.4, 156.5 and 157.0 Mc to 156.35, 156.45 and 156.55 Mc, together with other changes for implementing the VHF maritime mobile plan adopted at Geneva, 1959, will be the subject of separate rule-making proceedings to amend Parts 7 and 8 of the Commission's rules.

10. In conjunction with the action proposed in the third notice and adopted by the Commission on the same date, a separate notice of proposed rule making, Docket 13824, FCC 60-1239, proposed to amend § 16.352(e) of the rules to specify May 1, 1961, as the terminal date for Railroad Radio Service stations now authorized to use 161.61 Mc. This notice was also published in the *FEDERAL REGISTER* October 26, 1960 (25 F.R. 10274). The comments of AAR, Chicago, Rock Island and Pacific Railroad Company, Central Railroad Company of New Jersey, and NYC, which were in response to both notices of proposed rule making, cited the expense and inconveniences involved in the proposed transfer of many stations operated by the three railroad companies from 161.61 Mc to another frequency and requested that the railroads be permitted to continue operation on 161.61 Mc on a non-interference basis. After careful consideration of the various aspects involved herein, the Commission has decided the requirement that Railroad Radio Service stations vacate 161.61 Mc prior to May 1, 1961, would place an undue burden on these companies. Inasmuch as footnote NG11 to the Part 2 Table of Frequency Allocations permits stations in the Public Safety Radio Service to continue operating indefinitely on the frequency 161.61 Mc, as well as on other frequencies in this range not allocated to this service, on the condition that harmful interference will not be caused to stations in the services to which the frequencies are allocated, it appears reasonable to allow the Railroad Radio Service stations now operating on 161.61 Mc the same privilege. Footnote NG53 to the Table of Frequency Allocations is hereby amended accordingly and a separate Order (Docket 13824) amending § 16.352(e) of the Commission's rules to reflect the same provision for continued use of 161.61 Mc by the Railroad Radio Service on a non-interference basis is being issued this date.

11. The action ordered herein is considered to grant, for the most part, a



petition filed by the American Medical Association on June 11, 1959 which requested the Commission to finalize the proposal to allocate the band 161.645-161.825 Mc to remote pickup broadcast stations exclusively.

12. The only proposal in Docket 11959 which will not have been disposed of subsequent to the action herein, concerns the bands 462.525-463.225 Mc and 465.275-466.475 Mc which are parts of bands originally proposed for reallocation from the Citizens to the Industrial Radio Services. Inasmuch as a notice of proposed rule making in Docket 13847, FCC 60-1350, adopted November 8, 1960 and published in the FEDERAL REGISTER November 18, 1960 (25 F.R. 11010) proposes, among other things, final allocation of the complete former Citizens Radio band, 460-470 Mc, the proceedings in Docket 11959 are hereby terminated.

13. Parts 4, 7, and 8 of the Commission's rules and regulations will be amended at a later date to codify the allocation changes ordered herein.

14. In view of the foregoing, the Commission finds that the public interest, convenience, and necessity will be served by the amendments herein ordered and, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

15. It is ordered, That effective June 30, 1961, Part 2 of the Commission's rules, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is hereby amended as set forth below and the proceedings in Docket No. 11959 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 17, 1961.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

I. Amend § 2.1 of the Commission's rules and regulations by adding the following definition in the proper alphabetical order:

§ 2.1 Definitions.

*Port operations.* Communications in or near a port, or in locks or waterways, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement and the safety of ships and, in emergency, to the safety of persons.

II. Section 2.104(a) (5) of the Commission's rules and regulations is amended as set forth below:

a. Amend the bands 156.25-157.45 Mc and 161.625-162.0 Mc in the table of frequency allocations to read as follows in columns 5 through 11;

b. Amend footnotes NG11, NG31, NG53, NG56 and US20 to read as follows;

c. Add new footnote US224 as shown below;

d. Delete footnotes NG9, NG10 and NG52, and references thereto, from the table of frequency allocations.

§ 2.104 Frequency allocations.

(a) Table of frequency allocations. \* \* \*

(5) \* \* \*

| United States |            | Federal Communications Commission |                  |                             |                                                                                                                        |                                                                                                                                                                                                                                                         |
|---------------|------------|-----------------------------------|------------------|-----------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Band (Mc)     | Allocation | Band (Mc)                         | Service          | Class of station            | Frequency                                                                                                              | Nature of (SERVICES Stations)                                                                                                                                                                                                                           |
| 5             | 6          | 7                                 | 8                | 9                           | 10                                                                                                                     | 11                                                                                                                                                                                                                                                      |
| * * * * *     |            |                                   |                  |                             |                                                                                                                        |                                                                                                                                                                                                                                                         |
| (US224)       |            | 156.25-157.45 (NG7)               | Maritime mobile. | a. Coast.<br>b. Ship.       | 156.3<br>156.35<br>156.4<br>156.45<br>156.5<br>156.55<br>156.6<br>156.65<br>156.7<br>156.8<br>156.9<br>156.95<br>157.0 | MARITIME MOBILE (NG8).<br>MARITIME MOBILE (NG31).<br>MARITIME MOBILE. (NG31).<br>MARITIME MOBILE. (NG31).<br>MARITIME MOBILE. (NG31).<br>MARITIME MOBILE. (NG31).<br>Do.<br>Do.<br>MARITIME MOBILE (safety and calling).<br>MARITIME MOBILE. Do.<br>Do. |
| (US20)        |            |                                   |                  |                             | 157.05<br>157.1<br>157.15                                                                                              | GOVERNMENT. Do.<br>Do.                                                                                                                                                                                                                                  |
|               |            |                                   |                  |                             | 157.2<br>157.25<br>157.3<br>157.35<br>157.4                                                                            | MARITIME MOBILE (NG56).<br>MARITIME MOBILE. Do.<br>Do.<br>Do.<br>Do.                                                                                                                                                                                    |
| * * * * *     |            |                                   |                  |                             |                                                                                                                        |                                                                                                                                                                                                                                                         |
| (US224)       |            | 161.575-161.625                   | Maritime mobile. | Coast.                      | 161.6                                                                                                                  | MARITIME MOBILE (NG11) (NG35) (NG53).                                                                                                                                                                                                                   |
|               |            | 161.625-161.775                   | Land mobile.     | a. Base.<br>b. Land mobile. |                                                                                                                        | Remote pickup broadcast base. Remote pickup broadcast mobile (NG11) (NG35).                                                                                                                                                                             |
|               |            | 161.775-162.0                     | Maritime mobile. | Coast.                      | 161.8<br>161.85<br>161.9<br>161.95<br>162.0                                                                            | Coast (NG11) (NG35) (NG56).<br>Coast (NG35) (NG56).<br>Coast.<br>Do.<br>Do.                                                                                                                                                                             |

NG11 Stations in the public safety radio services authorized as of June 30, 1958, to use frequencies in the band 159.51-161.79 Mc in areas other than Puerto Rico and the Virgin Islands may continue such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to stations in the services to which this band is allocated. In Puerto Rico and the Virgin Islands, this authority is limited to frequencies in the band 160.05-161.37 Mc. No new public safety radio service system will be authorized to operate on these frequencies.

NG31 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.35 Mc, 156.45 Mc, and 156.55 Mc: *Provided*, That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall be protected from harmful interference from the land mobile service.

NG53 Stations in the Land Transportation Radio Services authorized as of May 15, 1958 to operate on the frequency 161.61 Mc may, upon proper application, continue

to be authorized for such operation, including expansion of existing systems, on the condition that harmful interference will not be caused to the operation of any authorized station in the maritime mobile service. No new Land Transportation Radio Service system will be authorized to operate on 161.61 Mc.

NG56 This frequency is not available for assignment to the maritime mobile service in Puerto Rico or the Virgin Islands.

US20 In order to provide for inter-communication for safety purposes between Government and non-Government stations in the maritime mobile service, the frequencies 157.05, 157.1, and 157.15 Mc are allocated exclusively, in all areas, to Government stations in the fixed and mobile services, and the frequencies 173.225, 173.250, 173.275, 173.300, 173.325, 173.350, and 173.375 Mc are allocated exclusively, in all areas, to non-Government stations in the fixed and land mobile services.

US224 The frequencies 156.6 and 156.7 Mc for use on a simplex basis and the frequency pair 157.0/161.6 Mc for ship and coast stations, respectively, for use on a duplex basis, may also be authorized to Government stations in the maritime mobile service for port operations only.

[F.R. Doc. 61-4873; Filed, May 24, 1961; 8:50 a.m.]



[Docket No. 14041; FCC 61-648]

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULA- TIONS

## PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

### Miscellaneous Amendments

In the matter of petition for waiver of the Commission's rules, or alternatively, for rule making to amend Parts 2 and 21 of the Commission's rules, Docket No. 14041 (RM-213).

1. On April 12, 1961, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 13, 1961, and published in the FEDERAL REGISTER on April 15, 1961 (26 F.R. 3249).

2. The period for filing comments and reply comments in the matter expired on May 4, 1961. Comments were received from Alaska Telephone Corporation and the Association of Maximum Service Telecasters, Inc. No reply comments were received.

3. The Alaska Telephone Corporation comments are in support of the proposed amendments. The comments of the Association of Maximum Service Telecasters do not oppose the proposed amendments because (a) the amendments would not delete any frequencies from TV broadcasting; (b) the amendments specifically require that no harmful interference be caused to TV broadcasting; (c) the geographical area of non-broadcast use is very small and quite remote; and (d) there appears to be an urgent national defense requirement.

4. The nature of the amendments adopted herein is to authorize certain activities subject to all existing rights under the Communications Act and the Commission's rules. No requirement or restriction is imposed on any person by these amendments. In view of these facts, and the presence of national defense considerations, the Commission finds that there is good cause for making these amendments final less than thirty days after their publication in the FEDERAL REGISTER.

5. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in Sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, Parts 2 and 21 of the Commission's rules are amended effective May 17, 1961, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 17, 1961.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

Parts 2 and 21 are amended as follows:

1. In the table of frequency allocations, § 2.104(a)(5), add new footnote designator NG43 to the band 500-890 Mc in Column 7 and insert text of new foot-

note NG43 in numerical order at end of table.

### § 2.104 Frequency allocations.

(a) Table of frequency allocations. \* \* \*

(5) \* \* \*

NG43 Fixed stations in the domestic public radio services in Alaska, south of 56° North Latitude and east of 134° West Longitude, may be authorized to use frequencies in the band 800-830 Mc, on the condition that harmful interference will not be caused to the broadcasting service of any country.

2. In § 21.701 a new paragraph (h) is added to read as follows:

### § 21.701 Frequencies.

(h) Fixed stations in this service in the State of Alaska, south of 56° North Latitude and east of 134° West Longitude, may be authorized to use frequencies in the 800-830 Mc band on the condition that harmful interference will not be caused to the broadcasting service of any country.

[F.R. Doc. 61-4874; Filed, May 24, 1961; 8:50 a.m.]

[Docket No. 13960 (RM-219); FCC 61-671]

## PART 3—RADIO BROADCAST SERVICES

### Table of Assignments; Certain Television Broadcast Stations in Ogden, Utah

1. The Commission has before it for consideration its notice of proposed rule making released February 17, 1961, proposing that Channel 24, now assigned to Ogden, Utah, be reserved for non-commercial educational use in that community.

2. Channels 9+, \*18-, and 24 are now assigned to Ogden which has a population of 70,197 according to the 1960 U.S. Census. Commercial Station KVOG-TV has been authorized to use Channel 9 and educational station KWCS-TV operated by The Weber County School District has been authorized to operate on Channel 18. Both of these stations now have license applications pending. No application has been filed for Channel 24.

3. Petitioner, the Ogden City Board of Education, in its petition for rule making, stated it has for some time been considering the use of television for educational purposes. Such use has also been considered by a committee consisting of 50 educators and laymen which has for the past two years been studying the curriculum of the Ogden Public Schools. Following this study, petitioner has authorized an application to be made for a television station on Channel 24 and desires that the channel be reserved for educational use.

4. For the past year and a half the Ogden Public Schools have been making use of the educational programming provided by educational station KUED, Channel 7, Salt Lake City, Utah, operated by the University of Utah. Salt Lake City has a population of 182,121 according to the 1960 U.S. Census and

is located some 30 miles south of Ogden. About 1,000 Ogden students have been receiving the foreign language programs provided by Station KUED and many other students have been using other programs from this station. The Ogden Public Schools have provided some of the programs broadcast by Station KUED.

5. The petitioner, the Ogden City Board of Education, also asserted that, while it is cooperating with the Weber County School District in its planned operation of educational station KWCS-TV in Ogden, an additional television station is needed to provide a more inclusive offering of television instruction for students in the Ogden area.

6. The only comment filed pursuant to the notice of proposed rule making was that of the National Educational Television and Radio Center supporting the proposal. No other interest has been expressed in Channel 24 at Ogden and no party opposed the proposal. For the reasons stated the Commission finds that adoption of the proposal is in the public interest.

7. Authority for the amendment adopted herein is contained in sections 4 (i) and (j); 303 and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective June 30, 1961, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, with respect to the community named, to read as follows:

|                  |               |
|------------------|---------------|
| City:            | Channel No.   |
| Ogden, Utah..... | 9+, *18-, *24 |

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 307, 48 Stat. 1081, 1083; 47 U.S.C. 301, 307)

Adopted: May 17, 1961.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-4875; Filed, May 24, 1961; 8:50 a.m.]

[Docket No. 13924 (RM-165); FCC 61-673]

## PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

### Operation of UHF Translator Signal Boosters by Licensees of UHF Translator Stations

1. On January 18, 1961, the Commission adopted a notice of proposed rule making (FCC 61-93) to amend Part 4 of its rules to permit the use of signal boosters by the licensees of UHF television broadcast translators to supplement the service provided by the translators, particularly in areas unable to obtain satisfactory direct reception of the translator's signals because of "shadowing" by terrain barriers. Interested parties were invited to comment with respect to the proposal on or before February 17, 1961, and were given an

<sup>1</sup> Commissioners Lee and Craven dissenting.



additional 10 days to reply to any such comments filed by other parties.

2. Comments were filed by Blue Mt. Television Association, Tillamook T.V. Translators, Inc., Tri-State TV Translator Association, E. B. Craney, Video Utility Company, and Mid-Columbia Community T.V. Corporation. Tillamook, Craney, and Mid-Columbia merely endorsed the Commission proposal. Blue Mt. pointed out the advantages to be derived from the operation of UHF signal boosters in conjunction with UHF TV translators. Video Utility Company supported the proposed rule change but expressed the view that such devices would be relatively costly (\$2,000 to \$2,500) and suggested that a UHF-to-UHF translator might be more practical. UHF-to-UHF translators are permitted under the present rules of the Commission.

3. Tri-State TV Translator Association endorsed the proposal for permitting UHF signal boosters but recommended that this privilege be extended to VHF translators. They suggested that the Commission had refused to permit the use of VHF signal boosters when adopting the VHF translator rules because of an unwarranted concern as to the interference hazard of such operation. They alleged that nearly six years of unauthorized operation of VHF boosters had demonstrated the feasibility of such operation on VHF channels and that if such operation can be permitted on UHF channels it should not be prohibited on VHF channels.

4. The Commission has never taken the position that signal boosters cannot be made to work on VHF channels. It is generally recognized, however, that such devices are inherently unstable electrically and unless properly designed and carefully supervised, they are a potential source of interference. The seriousness of this potential is directly related to the place in the radio frequency spectrum where they are operated and to the number and nature of the services occupying that portion of the spectrum. As we have pointed out before, the VHF television bands do not occupy a contiguous band of frequencies but are interspersed with frequency bands used by services other than television, many of which are employed for the safety of life and property. Furthermore, the range of VHF signals is somewhat greater than that of UHF signals. Finally, the occupancy of VHF channels, by TV stations and non-broadcast services, is substantially greater than in the UHF bands.

5. When these factors are weighed together, it is obvious that the hazard of harmful interference is substantially greater on VHF channels than on UHF channels. This compels us to forbid such operation on VHF channels. If the UHF band and adjacent frequencies should become extensively occupied in the future and similar considerations should obtain, we may have to delete this provision from our rules. However, under present conditions the need for the service outweighs the slight risk involved.

6. Authority for the adoption of the amendment herein is contained in sections 4(i), 303 (e), (f), and (r) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That effective June 30, 1961, Part 4 of the Commission rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 17, 1961.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

Part 4 is amended as follows:

1. Add a new paragraph (e) to § 4.701, to read as follows:

§ 4.701 Definitions.

(e) *UHF translator signal booster*. A station in the broadcasting service operated for the sole purpose of retransmitting the signals of a UHF translator station by amplifying and reradiating such signals which have been received directly through space, without significantly altering any characteristic of the incoming signal other than its amplitude.

2. Add a new § 4.733 to read as follows:

§ 4.733 UHF translator signal boosters.

(a) The licensee of a UHF television broadcast translator station may be authorized to operate one or more signal boosters for the purpose of providing reception to small shadowed areas within the area intended to be served by the translator.

(b) The transmitting apparatus shall consist of a simple linear radio frequency amplifier, with one or more amplifying stages, which is capable of receiving, amplifying, and retransmitting the signals of the parent translator without significantly altering any electrical characteristic of the received signal other than its amplitude. The maximum power input to the plate of the final radio frequency amplifier shall not exceed 5 watts.

(c) The amplifier shall be equipped with suitable circuits which will automatically cause it to cease radiating if no signal is being received from the parent translator station. Care shall be taken in the design of the apparatus to insure that out-of-band radiation is not excessive and that adequate isolation is maintained between the input and output circuits to prevent unstable operation.

(d) The installation of the apparatus and its associated receiving and transmitting antennas shall be in accordance with accepted principles of good engineering practice. Either horizontal, vertical, or circular polarization of the electric field of the radiated signal may be employed. If the isolation between the input and output circuits depends in part upon the polarization or directive properties of the transmitting and receiving antennas, the installation shall

be sufficiently rugged to withstand the normal hazards of the environment.

(e) The operation of a UHF translator signal booster is subject to the condition that no harmful interference is caused to the reception of any station, broadcast or non-broadcast, other than the parent translator. The licensee of the UHF translator signal booster is expected to use reasonable diligence to minimize interference to the direct reception of the parent translator station.

(f) UHF translator signal boosters may be operated unattended. Repairs and adjustments shall be made by a qualified person. The required qualifications are set forth in § 4.750 (g) and (h).

(g) An individual call sign will not be assigned to a UHF translator booster station. The retransmission of the call sign of the parent translator will serve as station identification.

(h) Applications for authority to construct and operate a UHF translator signal booster shall be submitted on FCC Form 346A. No construction of facilities or installation of apparatus at the proposed transmitter site shall be made until a construction permit therefor has been issued by the Commission.

(i) The provisions of § 4.765 concerning posting of station license shall apply to a UHF translator signal booster except that the parent UHF translator call sign, followed by the word "Booster", shall be displayed at the signal booster site.

(j) The provisions of §§ 4.767 and 4.781 concerning marking and lighting of antenna structures and station records, respectively, apply to UHF translator signal boosters.

[F.R. Doc. 61-4876; Filed, May 24, 1961; 8:50 a.m.]

[Docket No. 13824; FCC 61-647]

## PART 16—LAND TRANSPORTATION RADIO SERVICES

### Stations in the Railroad Radio Service Operating on 161.61 Mc

1. On October 19, 1960, the Commission adopted a notice of proposed rule making, FCC 60-1239, in the above-entitled matter which was published in the FEDERAL REGISTER October 26, 1960 (25 F.R. 10274). This Notice proposed the removal, prior to May 1, 1961, of all stations operating on the frequency 161.61 Mc to insure, insofar as possible, interference-free operation of stations in the maritime mobile service on 161.61 Mc, the first choice international port operations frequency adopted at Geneva, 1959.

2. The specified periods for filing comments and reply comments with respect to this proposal expired on November 30, 1960, and December 12, 1960, respectively. Comments were received from Association of American Railroads (AAR); Chicago, Rock Island and Pacific Railroad Company (Rock Island); Central Railroad Company of New Jersey, and New York Central System (NYC). No reply comments were received.

3. All of the above-mentioned respondents objected to the subject pro-



posal by citing the expense and inconvenience involved in the proposed transfer of many stations operated by the three railroad companies from 161.61 Mc to another frequency and requested that the railroads be permitted to continue radio operations on 161.61 Mc on a non-interference basis.

4. After careful consideration of the various aspects involved herein, the Commission has decided a requirement that the Railroad Radio Service stations vacate 161.61 Mc prior to May 1, 1961, would place an undue burden on these companies. Inasmuch as certain stations in the Public Safety Radio Service are permitted to continue operating indefinitely on the frequency 161.61 Mc, as well as on other frequencies in this range not allocated to this service, on the condition that harmful interference will not be caused to stations in the services to which the frequencies are allocated, it appears reasonable to allow the Railroad Radio Service stations now operating on 161.61 Mc the same privilege. Footnote NG53 of the Commission's Part 2 Table of Frequency Allocations is being amended accordingly by the Eighth and Final Memorandum Report and Order in Docket No. 11959, released simultaneously herewith.

5. In view of the foregoing: *It is ordered*, That § 16.352(e) of the Commission's rules and regulations is amended, effective June 30, 1961, as set forth below and the proceedings in Docket No. 13824 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 17, 1961.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

Section 16.352(e) of Part 16, Land Transportation Radio Services, is amended to read as follows:

§ 16.352 Frequencies available for base and mobile stations.

\* \* \* \* \*

(e) Base and mobile stations operationally integrated with existing radio-communications systems authorized prior to April 1, 1958, to operate on frequencies not currently available for assignment to such stations, other than the frequency 161.61 Mc, may be authorized to operate on frequencies formerly assigned the stations of the respective systems until not later than October 31,

1963. Base and mobile stations authorized as of April 1, 1958, to operate on the frequency 161.61 Mc may continue to be authorized for such operation on the condition that harmful interference will not be caused to the operation of any station in the maritime mobile service. During these periods, the licensees of such stations may renew, modify, reinstate, or assign their licenses in those cases where such assignment accompanies a change of ownership of the licensee's business to the assignee, and may expand existing systems when using such frequencies; however, they will not be authorized to establish any new systems using frequencies which are not currently available for assignment to such stations.

[F.R. Doc. 61-4877; Filed, May 24, 1961; 8:51 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 33—SPORT FISHING

##### Imperial National Wildlife Refuge, Arizona and California

The following supplemental special regulation is issued:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### ARIZONA AND CALIFORNIA

##### IMPERIAL NATIONAL WILDLIFE REFUGE

The special regulation permitting sport fishing on the Imperial National Wildlife Refuge, Arizona and California, § 33.5, published December 22, 1960, in the FEDERAL REGISTER, Volume 25, No. 248, Page 13,235, is supplemented to provide that an area of approximately 165 acres in Martinez Lake be closed to fishing during the period October 1, 1961, through December 31, 1961, the area to be designated by proper posting and shown on the refuge hunting and fishing maps. The provisions of this supplemental special regulation is effective October 1, 1961, through December 31, 1961.

JOHN C. GATLIN,  
*Regional Director, Bureau of  
Sport Fisheries and Wildlife.*

MAY 19, 1961.

[F.R. Doc. 61-4844; Filed, May 24, 1961; 8:47 a.m.]



# Proposed Rule Making

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 14131 (RM-242); FCC 61-670]

### TABLE OF ASSIGNMENTS

#### Television Broadcast Stations (Detroit, Ann Arbor, and Port Huron, Michigan)

1. The Commission has before it for consideration a petition for rule making filed March 9, 1961, by Robert M. Parr, permittee of UHF television Station WRMP-TV, authorized to operate on Channel 62 in Allen Park, Michigan, looking toward amendment of the table of assignments, Television Broadcast Stations (§ 3.606 of the Commission's rules) to substitute Channel 20 for Channel 62 at Allen Park,<sup>1</sup> Michigan, by making the following changes:

| City                          | Channel No.                |                                   |
|-------------------------------|----------------------------|-----------------------------------|
|                               | Present                    | Proposed                          |
| Ann Arbor, Mich. <sup>1</sup> | 20+, *26-                  | *26-, 66-                         |
| Detroit, Mich.....            | 2+, 4, 7-, 50-,<br>*56, 62 | 2+, 4, 7-, 20+,<br>50-, *56<br>62 |
| Port Huron, Mich....          | 34+                        |                                   |

<sup>1</sup> Petitioner had suggested Channel 66 at Ann Arbor with plus offset but the Commission is of the view that minus offset is preferable due to the allocation of Channel 66+ to Erie, Pennsylvania.

2. On February 15, 1961, the Commission granted petitioner's application for a construction permit for UHF Channel 62 with Allen Park, Michigan, specified as city of license. Call letters WRMP-TV were assigned. Petitioner notes that it had shown in its application that all necessary equipment for operation on Channel 62 was on hand and ready for installation with the exception of an antenna, which it indicated would be purchased. Petitioner contends that, as permittee of WRMP-TV, it is proceeding with construction of the station as authorized and is presently negotiating for installation of the equipment on hand, with the exception of the antenna. Antenna purchase is being delayed pending Commission action on this petition for rule making.

3. Petitioner alleges it has received advice that reception of Channel 20 would be far superior to that of Channel 62, and would lend much toward promoting UHF television service in the area, as well as better enabling petitioner to compete with VHF television reception available to viewers in the Allen Park, Michigan area.

4. Petitioner alleges that the proposal meets all mileage separations require-

<sup>1</sup> Channel 62 is allocated to Detroit, Michigan, but Allen Park was specified as city of license for WRMP-TV under the provisions of § 3.607(b) of the Commission's rules.

ments of the Commission's rules. It requests that the Commission order it to show cause why its construction permit for Channel 62 should not be modified to specify operation on Channel 20.

5. The Commission is of the view that rule making should be instituted to afford interested parties an opportunity to comment on petitioner's proposal. If it is determined by the Commission that the rule amendments proposed herein will serve the public interest, the Commission will take such further action as may be appropriate with respect to outstanding authorizations. We accordingly defer action upon petitioner's request for issuance of an order to show cause.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before June 19, 1961, and reply comments on or before June 30, 1961. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: May 17, 1961.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-4878; Filed, May 24, 1961;  
8:51 a.m.]

### [ 47 CFR Part 4 ]

[Docket No. 14132; FCC 61-672]

#### TELEVISION BROADCAST TRANSLATOR STATIONS

##### Power Limitation

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On July 27, 1960, the Commission amended Subpart G of Part 4 of its rules to permit the operation of television broadcast translator stations on VHF television channels. Section 4.735(a) of the rules limits the transmitter power output of a VHF translator to 1 watt. The necessity for this power limitation was set forth fully in paragraph 39 of the Report and Order in Docket No. 12116 (FCC 60-967).

3. Although VHF television translators are required to provide complete protection to viewers obtaining direct recep-

tion of television broadcast stations, they themselves are not protected from interference caused to their signals by regular TV broadcast stations or by other VHF translators. The impracticality of attempting to provide such protection was pointed out in the Report and Order in Docket No. 12116.

4. Under the concept of the present rules, if two separate communities desire to obtain reception of the same television broadcast station normally out of range of the direct signals, each may secure authority to install and operate its own individual VHF translator. These translators may be at a common site. The most likely source of interference between such translators would be the heterodyning of the carrier frequencies emitted by the two separate translators. If the carriers could be perfectly synchronized, the carrier heterodyne interference would disappear and the only remaining source of interference would be that caused by the difference in time of arrival of identical signals from separate transmitters. If the transmitters were located at a common site, this would be minimal.

5. In the course of informal discussions between members of the Commission's staff, manufacturers, and users of VHF translator equipment, it has been suggested that the effect of perfect carrier synchronization can be achieved by using a common frequency converter to feed two or more separate final radio frequency amplifiers, each final radio frequency amplifier performing as a separate VHF translator station. It was proposed that each final radio frequency amplifier be permitted to use the full 1 watt maximum power.

6. While on its face, this appears to be a way to avoid the problems encountered in attempting to operate separate complete VHF translators, upon examination it appears that the proposed technique might have the effect of increasing the maximum power limitation on VHF translators, found to be necessary by the Commission. The theory of the 1 watt limitation was that if the power were radiated equally in all directions, the range of the interference would be limited and if the energy were concentrated in a selected direction by means of a directive transmitting antenna, the increased effective interfering range of the signal in that direction would be offset by the reduction in range in other directions. The use of more than one final radio frequency amplifier with a single VHF translator would impair the effectiveness of the present power limitation.

7. Nevertheless, we are willing to consider the use of more than one final radio frequency amplifier by a single translator in individual cases where each amplifier will be used to serve a separate and distinct community which otherwise would be served by a separate VHF translator. We do not propose to



permit the use of more than one final radio frequency amplifier to serve all or a part of the same community or to serve a community and the surrounding suburban or rural area or to otherwise simulate a higher powered VHF translator with a broad or omni-directional antenna radiation pattern.

8. Accordingly, we propose to amend § 4.735(a) of the rules as set forth below.

9. Authority for the issuance of the proposed amendment is contained in sections 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties are invited to file comments on or before June 19, 1961, and replies to such comments on or before June 30, 1961. Comments proposing an increase in the maximum permissible power for VHF translators or in the use of multiple radio frequency amplifiers to achieve the effect of increased power will not be considered in this proceeding. In reaching a decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of the comments of record, but will take into account all relevant information obtained in any manner from informed sources.

11. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 17, 1961.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
*Acting Secretary.*

1. Section 4.735(a) is amended to read as follows:

**§ 4.735 Power limitation.**

(a) The power output of the final radio frequency amplifier of a VHF translator shall not exceed 1 watt peak visual power. This power may be fed into a single transmitting antenna or may be divided between two or more transmitting antennas or antenna arrays in any manner found useful or desirable by the licensee. In individual cases, the Commission may authorize the use of more than one 1 watt final radio frequency amplifier at a single VHF translator station under the following conditions:

(1) Each such amplifier shall be used to serve a different community. More

than one final radio frequency amplifier will not be authorized to provide service to a single community or to a community or suburban or rural area lying in the same general direction of the community or area served by a single VHF translator.

(2) Each separate final radio frequency amplifier shall feed a separate directional antenna or antenna array, each of which has a single major lobe of radiation. The center of the major lobe of radiation of each separate antenna or antenna array shall be directed toward the community intended to be served.

(3) The phasing and orientation of the separate antennas or antenna arrays fed by separate final radio frequency amplifiers shall be such that the maximum radiation in the individual major lobes of the separate antennas or antenna arrays is always greater than the radiation in other directions which may result from interaction between the separate antennas or antenna arrays.

(4) Additional final radio frequency amplifiers will not be authorized to provide service to a community already served by a translator carrying the same primary television station.

[F.R. Doc. 61-4879; Filed, May 24, 1961;  
8:51 a.m.]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Document 240]

#### ARIZONA

#### Small Tract Classification No. 45; Amendment

Effective May 17, 1961, paragraph 3 of Arizona Document No. 70, Small Tract Classification No. 45, appearing in the FEDERAL REGISTER on October 20, 1955, is hereby amended to read as follows:

3. The lands classified by this order, subject to the provisions of paragraph 4, shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

RAYMOND C. CLEGHORN,  
Acting State Director,  
Arizona State Office.

MAY 17, 1961.

[F.R. Doc. 61-4845; Filed, May 24, 1961;  
8:47 a.m.]

[Document 241]

#### ARIZONA

#### Small Tract Classification No. 52; Amendment

Effective May 17, 1961, paragraph 3 of Arizona Document No. 138, Small Tract Classification No. 52, appearing in the FEDERAL REGISTER on page 6286 of the issue for August 21, 1956, is hereby amended to read as follows:

3. The lands classified by this order, subject to the provisions of paragraph 4, shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

RAYMOND C. CLEGHORN,  
Acting State Director,  
Arizona State Office.

MAY 17, 1961.

[F.R. Doc. 61-4846; Filed, May 24, 1961;  
8:47 a.m.]

#### IDAHO

#### Notice of Proposed Withdrawal and Reservation of Lands

MAY 18, 1961.

The Bureau of Land Management has filed an application, Serial No. Idaho 012556 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, except the mining and mineral leasing

laws. The applicant desires the land for stock driveway purposes.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### BOISE MERIDIAN, IDAHO

##### STAR LAKE UNIT

T. 7 S., R. 18 E.,  
Sec. 13; All;  
Sec. 14; All;  
Sec. 15; E $\frac{1}{2}$ E $\frac{1}{2}$ .  
T. 7 S., R. 19 E.,  
Sec. 8; S $\frac{1}{2}$ ;  
Sec. 9; S $\frac{1}{2}$ ;  
Sec. 10; S $\frac{1}{2}$ ;  
Sec. 11; Lot 2, SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 12; Lots 6, 7, 8, 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 13; N $\frac{1}{2}$ ;  
Sec. 14; N $\frac{1}{2}$ ;  
Sec. 15; N $\frac{1}{2}$ ;  
Sec. 17; All;  
Sec. 18; Lots 1 through 8, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 8 S., R. 19 E.,  
Sec. 1; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 2; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 3; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 8; SE $\frac{1}{4}$ ;  
Sec. 9; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 10; NW $\frac{1}{4}$ ;  
Sec. 17; E $\frac{1}{2}$ ;  
Sec. 20; E $\frac{1}{2}$ ;  
Sec. 29; NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 30; E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 31; NE $\frac{1}{4}$ ;  
Sec. 32; N $\frac{1}{2}$ N $\frac{1}{2}$ .  
T. 6 S., R. 20 E.,  
Sec. 15; E $\frac{1}{2}$ ;  
Sec. 22; NE $\frac{1}{4}$ ;  
Sec. 23; All;  
Sec. 24; N $\frac{1}{2}$ ;  
Sec. 26; All;  
Sec. 27; S $\frac{1}{2}$ ;  
Sec. 34; Lots 1, 2, 3, 4, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ .  
T. 7 S., R. 20 E.,  
Sec. 2; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 7; Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 8; S $\frac{1}{2}$ ;  
Sec. 9; S $\frac{1}{2}$ ;  
Sec. 10; All;  
Sec. 11; All;  
Sec. 17; N $\frac{1}{2}$ ;  
Sec. 18; Lots 1, 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 8 S., R. 20 E.,  
Sec. 2; SW $\frac{1}{4}$ ;  
Sec. 3; S $\frac{1}{2}$ ;  
Sec. 4; S $\frac{1}{2}$ ;  
Sec. 5; S $\frac{1}{2}$ ;  
Sec. 6; Lots 1 through 11, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 8; N $\frac{1}{2}$ ;  
Sec. 9; N $\frac{1}{2}$ ;  
Sec. 10; N $\frac{1}{2}$ ;  
Sec. 11; E $\frac{1}{2}$ , NW $\frac{1}{4}$ ;  
Sec. 12; All;  
Sec. 13; W $\frac{1}{2}$ ;  
Sec. 14; E $\frac{1}{2}$ ;

Sec. 23; E $\frac{1}{2}$ ;  
Sec. 24; W $\frac{1}{2}$ ;  
Sec. 25; W $\frac{1}{2}$ ;  
Sec. 26; All;  
Sec. 35; All.  
T. 9 S., R. 20 E.,  
Sec. 1; Lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 2; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 3; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 4; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 5; Lots 5, 6, 9, 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 12; W $\frac{1}{2}$ .  
T. 6 S., R. 21 E.,  
Sec. 8; All;  
Sec. 17; N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 18; Lots 7 thru 12, SE $\frac{1}{4}$ ;  
Sec. 19; Lots 1 thru 6, NE $\frac{1}{4}$ ;  
Sec. 20; W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 28; S $\frac{1}{2}$ ;  
Sec. 29; E $\frac{1}{2}$ ;  
Sec. 33; All.  
T. 7 S., R. 21 E.,  
Sec. 2; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 11; All;  
Sec. 14; All;  
Sec. 23; All;  
Sec. 24; All;  
Sec. 31; Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 32; S $\frac{1}{2}$ ;  
Sec. 33; S $\frac{1}{2}$ ;  
Sec. 34; S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 35; S $\frac{1}{2}$ S $\frac{1}{2}$ .  
T. 8 S., R. 21 E.,  
Sec. 1; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 2; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 3; Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 4; Lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 5; Lot 1;  
Sec. 6; Lots 1 through 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 7; Lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 8; W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ .  
T. 7 S., R. 22 E.,  
Sec. 19; Lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 20; All;  
Sec. 21; All;  
Sec. 22; All;  
Sec. 23; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30; Lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 31; Lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 8 S., R. 22 E.,  
Sec. 6; Lots 1 through 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
The above lands total 40,582.48 acres.

##### NORTH BLISS UNIT

T. 4 S., R. 13 E.,  
Sec. 29; W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 31; E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 32; NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 5 S., R. 13 E.,  
Sec. 5; Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 6; Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 7; E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 8; W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 18; W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 19; W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 30; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 31; SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
The above lands total 2,199.12 acres.

The areas described aggregate 42,781.60 acres within Gooding, Jerome, Lincoln, and Minidoka Counties, Idaho.

Withdrawal pursuant to this application will not impair or restrict the right of the public to hunt or fish on the lands or to cross them for access to hunting or fishing areas.

JOE T. FALLINI,  
State Director.

[F.R. Doc. 61-4847; Filed, May 24, 1961;  
8:47 a.m.]



[Classification 95]

**NEVADA****Small Tract Classification; Amendment**

1. Effective May 17, 1961 Federal Register Document 53-8583 appearing on pages 6413-14 of the issue for October 8, 1953, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 60 E.,  
Sec. 21, S½;  
Sec. 26, NE¼, W½NW¼;  
Sec. 28, N½.  
Containing 880 acres.

2. The lands included in this amendment are located approximately 6 miles southwest of Las Vegas, Nevada at an elevation of approximately 2,400 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. The topography of the parcels is nearly level, the soils varying from sands to gravel, to caliche.

3. The lands have been determined to be appropriated under the United States mining laws by virtue of valid mining claims having been located on the lands prior to small tract classification.

J. R. PENNY,  
State Director.

MAY 17, 1961.

[F.R. Doc. 61-4848; Filed, May 24, 1961;  
8:47 a.m.]

**CIVIL AERONAUTICS BOARD**

[Docket 11879; Order No. E-16838]

**TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION****Agreements Relating to Specific Commodity Rates**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of May 1961.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreements revise certain specific commodity rates from Chicago to Caracas and name two additional rates. The proposed rates are consistent with the level of rates in effect to other points for the commodities in question.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements, which are incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

C.A.B. 14827:

|           |                |
|-----------|----------------|
| R-22----- | TC1/Rates 1193 |
| R-23----- | TC1/Rates 1194 |
| R-24----- | TC1/Rates 1195 |
| R-25----- | TC1/Rates 1196 |
| R-26----- | TC1/Rates 1197 |
| R-27----- | TC1/Rates 1198 |
| R-28----- | TC1/Rates 1199 |
| R-29----- | TC1/Rates 1200 |
| R-30----- | TC1/Rates 1201 |
| R-31----- | TC1/Rates 1202 |

C.A.B. 14602:

R-3----- JT31/Rates 178

*Accordingly, it is ordered:*

1. That Agreement C.A.B. 14827, R-22 through R-31, and Agreement C.A.B. 14602, R-3, are approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreements, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statement filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

JAMES L. DEEGAN,  
Acting Secretary.

[F.R. Doc. 61-4872; Filed May 24, 1961;  
8:50 a.m.]

**DEPARTMENT OF AGRICULTURE****Office of the Secretary  
INDIANA****Designation of Area for Production  
Emergency Loans**

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Indiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

CLARK. FLOYD.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of May 1961.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 61-4862; Filed, May 24, 1961;  
8:48 a.m.]

**FEDERAL AVIATION AGENCY**

[OE Docket No. 61-FW-19]

**CONSTRUCTION OF RADIO ANTENNA  
STRUCTURE****Notice of No Airspace Objection**

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

The El Paso Natural Gas Company, El Paso, Texas, proposes to erect a radio antenna structure approximately 27 miles southeast of Fort Stockton, Texas, at latitude 30°44'30" north, longitude 102°29'00" west. The overall height of the structure would be 3,616 feet above mean sea level (303 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by the Agency disclosed that the proposed structure would be 1.5 statute miles west of the Bryan Ranch Airport and would penetrate the horizontal surface of the "Joint Industry/Government Tall Structures Committee Final Report" criteria, as applied to this airport, by approximately 66 feet. This factor is not disqualifying, but makes an aeronautical study necessary. The study revealed the existence of an antenna structure 3696 above MSL between the site of the proposed tower and the Bryan Ranch Airport. Therefore, the proposed structure would be shielded with respect to the airport by an existing structure of a permanent and substantial character, and the penetration of the horizontal surface would not adversely affect air traffic operations at the Bryan Ranch Airport.

Therefore, I find that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on May 18, 1961.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 61-4832; Filed, May 24, 1961;  
8:45 a.m.]

[OE Docket No. 61-FW-23]

**CONSTRUCTION OF RADIO ANTENNA  
STRUCTURE****Notice of No Airspace Objection**

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:



The Leatherwood Drilling Company, Kermit, Texas, proposes to erect a radio antenna structure near Kermit, Texas, at latitude 31°51'24" north, longitude 103°05'32" west. The overall height of the structure would be 3,198 feet above mean sea level (308 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by the Agency disclosed that the proposed structure would be located approximately 1.2 miles south/southwest of the Robinson Airport and would penetrate the horizontal surface of the "Joint Industry/Government Tall Structures Committee" criteria for this airport by approximately 208 feet. In addition, it would penetrate the conical surface of this Agency's TSO-N18 criteria by approximately 133 feet. These factors are not disqualifying, but make an aeronautical study necessary. The aeronautical study revealed that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be marked and lighted in accordance with applicable rules and standards.

Issued in Washington, D.C., on May 18, 1961.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 61-4833; Filed, May 24, 1961;  
8:45 a.m.]

[OE Docket No. 61-FW-30]

## INCREASE IN HEIGHT OF STANDARD BROADCAST RADIO TOWER

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace:

Radio Station WSIZ, Douglas, Georgia, proposes to increase the height of its radio antenna structure near Ocilla, Georgia, at latitude 31°37'42" north, longitude 83°14'53" west. The overall height of the structure would be increased from 564 feet above mean sea level (199 above ground) to 732 feet MSL (367 above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by the Agency revealed that the proposed structure would be located approximately 4 miles from the Fitzgerald, Georgia, Airport reference point and would exceed the criteria of this Agency's TSO-N18 as applied to this airport by 97 feet. However, the study disclosed that there would be no

adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed increase in structure height to the mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by the Agency provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on May 18, 1961.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 61-4834; Filed, May 24, 1961;  
8:45 a.m.]

[OE Docket No. 61-KC-32]

## PROPOSED CONSTRUCTION OF TELEVISION ANTENNA STRUCTURE

### Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace:

Central Wisconsin Television, Inc., Wausau, Wisconsin, proposes to construct a television antenna structure near Kalinke, Wisconsin, at latitude 45°04'32.4" north, longitude 89°22'06.6" west. The overall height of the structure would be 2,486 feet above mean sea level (996 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by the Agency disclosed that the proposed structure would require an increase in the Instrument Flight Rules minimum en route altitudes of approved off-airway air carrier direct routes as follows:

1. From 3,200 feet MSL to 3,500 feet MSL from the Wausau, Wisconsin VOR direct to the Iron Mountain, Michigan radio beacon and from the Wausau VOR direct to the Marquette, Michigan, radio beacon.

2. From 2,100 feet MSL to 2,700 feet MSL from the Wausau VOR to the Ma-ttoon intersection (INT) of the Wausau VOR 060° M radial with a direct line between the Clintonville, Wisconsin, radio beacon and the Rhinelander, Wisconsin, radio beacon).

The aeronautical study further disclosed that these increases in minimum IFR altitudes would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight operations.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude

that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on May 18, 1961.

D. D. THOMAS,  
Director, Bureau of  
Air Traffic Management.

[F.R. Doc. 61-4835; Filed, May 24, 1961;  
8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14123, 14124; FCC 61-661]

### HAZLEHURST RADIO AND G. M. SINYARD

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William E. Sides, tr/as Hazlehurst Radio, Hazlehurst, Georgia, Docket No. 14123, File No. BP-13696, requests 1480 kc, 1 kw, Day; G. M. Sinyard, Hazlehurst, Georgia, Docket No. 14124, File No. BP-13955, requests 1480 kc, 1 kw, Day, for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of May 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically and otherwise qualified to construct and operate the instant proposals, that William E. Sides tr/as Hazlehurst Radio is financially qualified but that, for reasons hereinafter set forth, G. M. Sinyard cannot be found to be financially qualified; and

It further appearing that the following matters are to be considered in connection with the issues specified below;

1. The co-channel proposals are mutually exclusive.

2. Mr. G. M. Sinyard will need \$21,250 in order to meet construction and initial operating costs for his proposed station. This total includes \$2,500 for down payment on equipment, \$6,000 for building, \$6,000 for miscellaneous expenses, and working capital (three months) \$6,750. Although Mr. Sinyard's personal balance sheet shows assets available for collateral, only \$7,270 is shown as quick assets. In view of this fact, it cannot be determined that the applicant is financially qualified to construct and operate the proposed station.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience,



and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether G. M. Sinyard is financially qualified to construct and operate his proposed station.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

*It is further ordered*, That, to avail themselves of the opportunity to be heard the applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or if feasible, jointly within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-4881; Filed, May 24, 1961;  
8:51 a.m.]

[Docket No. 14118; FCC 61M-888]

## HOLLY SPRINGS BROADCASTING CO.

### Order Scheduling Prehearing Conference

In re application of Aaron B. Robinson, tr/as Holly Springs Broadcasting Company, Holly Springs, Mississippi, Docket No. 14118, File No. BP-13681, for construction permit.

*It is ordered*, This 19th day of May 1961, that the order of the Chief Hearing Examiner released May 17, 1961 (FCC 61M-872; Mimeo No. 5002) is hereby amended to provide that the prehearing conference in the above-entitled proceeding will be held May 31, 1961, in lieu of June 8, 1961, and the said prehearing conference shall commence at 9:00 a.m. on the date herein specified.

Released: May 19, 1961.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-4882; Filed, May 24, 1961;  
8:51 a.m.]

[Docket No. 12824; FCC 61M-889]

## INTER-CITIES BROADCASTING CO.

### Order Continuing Hearing

In re application of Theodore A. Kolasa, Henry J. Kolasa, Mitchell A. Kolasa and Alphonse R. Deresz, d/b as Inter-Cities Broadcasting Company, Livonia, Michigan, Docket No. 12824, File No. BP-10991; for construction permit for a new standard broadcast station.

The Hearing Examiner having before him a Joint Motion for Continuance filed by Inter-Cities Broadcasting Company and Peoples Broadcasting Corporation on May 18, 1961, in the above-entitled proceeding;

It appearing that counsel for the Broadcast Bureau, the only other party to this proceeding, has consented to grant of this motion and to its immediate consideration;

*It is ordered*, This 18th day of May 1961, that the Joint Motion for Continuance is granted; and the hearing now scheduled for May 19, 1961, is continued to June 26, 1961.

Released: May 19, 1961.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-4883; Filed, May 24, 1961;  
8:51 a.m.]

[Docket Nos. 14125-14128; FCC 61-662]

## MASSILLON BROADCASTING CO., INC., ET AL.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Massillon Broadcasting Company, Inc., Norwood, Ohio,

Docket No. 14125, File No. BP-13633, requests 1320 kc, 500 w, DA, Day, Class III; Covington Broadcasting Company, Covington, Kentucky, Docket No. 14126, File No. BP-14552, requests 1320 kc, 500 w, DA, Day, Class III; Irving Schwartz, tr/as, Kenton County Broadcasters, Covington, Kentucky, Docket No. 14127, File No. BP-14613, requests 1320 kc, 500 w, DA, Day, Class III; Dale H. Mossman, Norwood, Ohio, Docket No. 14128, File No. BP-14623, requests 1320 kc, 1 kw, DA, Day, Class III; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of May 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the issues specified below;

1. The four proposals request co-channel operation and are mutually exclusive.

2. On January 13, 1961, the Commission received a "Petition to Deny" and accompanying engineering affidavit filed on behalf of Hocking Valley Broadcasting Corporation, licensee of Station WHOK, Lancaster, Ohio, and directed against the subject application of Massillon Broadcasting Company, Inc. According to measurement data submitted with the WHOK petition, ground conductivity in the area between WHOK and the proposed Massillon transmitter site is higher than that shown on the official map, FCC Figure M-3, and the WHOK daytime groundwave 0.5 mv/m contour is located at a greater distance from the WHOK antenna than shown by the engineering data submitted with the Massillon application. Because of this fact, WHOK alleges, the proposed operation of Massillon Broadcasting Company, Inc., would cause objectionable interference to WHOK in an area of 160 square miles, resulting in a population loss of 4,700 persons within the WHOK normally protected daytime contour.

Massillon Broadcasting Company, Inc., has filed an "Opposition to Petition to Deny" and an engineering statement in support of the opposition. It is argued therein that the WHOK measurement data is unreliable because it was probably taken at a time of abnormal winter conditions under which ground conductivities would appear higher than normal. It is submitted further, that even if slight interference to the WHOK service area would be found to result from the Massillon proposal, the gain in providing a first local service to Norwood, Ohio, far out-weighs the loss of WHOK.

The licensee of Station WHOK will be made a party to this hearing with regard to the interference questions raised in its petition.



3. If the measurement data submitted with the WHOK petition is employed rather than Figure M-3 conductivities, it appears that WHOK also would receive interference from each of the other three subject applications.

4. On the basis of the higher ground conductivity indicated by the measurement data submitted with the WHOK petition, each of the instant proposals will receive interference from WHOK in excess of that indicated in the applications and, as a result, a question obtains as to whether the proposals will comply with § 3.28(c)(3) of the Commission rules.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine whether each of the instant proposals would cause objectionable interference to Station WHOK, Lancaster, Ohio, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing operations would affect more than ten percent of the population within the normally protected primary service area of each of the instant proposals, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether one of the proposals for Covington, Kentucky, or one of the proposals for Norwood, Ohio, would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded pursuant to the foregoing issue either that one of the Covington proposals or one of the Norwood proposals should be favored, which of the two proposals for Norwood or the two proposals for Covington would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which if any, of the instant applications should be granted.

*It is further ordered*, That Hocking Valley Broadcasting Corporation, licensee of Station WHOK, Lancaster, Ohio, is made a party to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and the respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

*It is further ordered*, That, in the event of a grant of the application of Dale H. Mossman, permittee shall submit with the application for license sufficient data to establish that the proposed radiation pattern has not been adversely affected due to re-radiation from the antenna tower of KQA-230.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-4884; Filed, May 24, 1961;  
8:51 a.m.]

[Docket No. 14130; FCC 61-665]

# PEACH BOWL BROADCASTERS, INC. (KUBA)

## Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Peach Bowl Broadcasters, Inc. (KUBA), Yuba City, California, Docket No. 14130, File No. BP-12999, has 1600 kc, 500 w, 1 kw-LS, DA-N, U, requests 1600 kc, 500 w, 5 kw-LS, DA-N, U (CP).

1. The Commission has before it for consideration (1) a "Petition to With-

draw Construction Permit and Designate Application for Hearing", filed on March 20, 1961, by Radio Station KGST, J. J. Nagel, Executor of the Estate of Juan Mercado, Deceased, licensee of standard broadcast Station KGST, Fresno, California (petitioner or KGST hereinafter) directed against the Commission's action of February 23, 1961 in granting without hearing the above-captioned and described application; and (2) an opposition thereto, filed on April 3, 1961, by Peach Bowl Broadcasters, Inc. (KUBA hereinafter).

2. KGST alleges that the grant of the KUBA application causes interference to 124.8 square miles and 2,200 persons within its normally protected 0.5 mv/m contour and that since said grant results in a modification of its license without affording it an opportunity to be heard, it requests that the action of February 23, 1961, be set aside and the application of KUBA designated for hearing with petitioner made a party thereto in accordance with section 316 of the Communications Act of 1934, as amended.

3. In opposition thereto, KUBA argues that the pleading submitted by KGST is procedurally defective; that, moreover, section 316 of the Act requires only that an opportunity to be heard be afforded an existing station claiming objectionable interference; that KGST has had the opportunity to object for almost 2 years but has failed to do so; that it was notified of the existence of the KUBA proposal through public notices and publication in the FEDERAL REGISTER and that if the KUBA grant is now set aside it will work irreparable harm on KUBA which has already ordered its transmitter and gone through great expense in preparing itself and the public for the new increase in power.

4. We have made an engineering study of the instant matter which indicates that operation as proposed by KUBA will cause interference to an area of 67.5 square miles, representing a population loss of 1,210 persons within the normally protected 0.5 mv/m contour of Station KGST. Since petitioner has made known its objection to the KUBA grant within the 30 day statutory period provided therefor<sup>1</sup> and has requested a hearing, the Commission is of the opinion that it should, on its own motion and without relying upon the specific allegations and counter arguments advanced by either party, set aside its action of February 23, 1961, granting the application of KUBA, and designate said application for hearing on the issues as specified, infra, with Station KGST made a party to the proceeding.

5. It appears appropriate to consider also at this time the letter submitted by KGST on April 7, 1961, alleging that its application requesting an increase in the power of Station KGST from 1600 kc, 1 kw-D to 1600 kc, 5 kw-D (File No. BP-14149), should have been considered comparatively with the application of KUBA since it was timely filed therewith; that since the cut-off date assigned the KUBA application fell on a Sunday (May 15, 1960), under law, its applica-

<sup>1</sup> See section 405 of the Communications Act of 1934, as amended.



tion which was acknowledged as received on May 16, 1960, should have been considered as timely filed on the next regular business day, May 16, 1960. On April 17, 1961, KUBA filed an opposition to this letter. The cut-off date to which KGST refers was announced by Public Notice released April 11, 1960, which stated that on May 16, 1960, the applications listed in the notice were to be considered as ready and available for processing. It further stated, *inter alia*, that an application in order to be considered with any application appearing on said list must be tendered for filing at the offices of the Commission no later than the close of business on May 13, 1960. Since petitioner's application was not received until May 16, 1960, it is obviously not timely filed and accordingly not entitled to comparative consideration with the application of KUBA.

In view of the foregoing: *It is ordered*, That the action of February 23, 1961, granting the above-captioned application of Station KUBA, is hereby set aside, and that pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above said application is designated for evidentiary hearing on the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KUBA and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KUBA would cause objectionable interference to Station KGST, Fresno, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That, Radio Station KGST, J. J. Nagel, Executor of the Estate of Juan Mercado, Deceased (KGST) is made a party to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publica-

tion of such notice as required by § 1.362(c) of the rules.

Adopted: May 17, 1961.

Released: May 22, 1961.

#### FEDERAL COMMUNICATIONS

#### COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-4685; Filed, May 24, 1961;  
8:52 a.m.]

[Docket No. 13925; FCC 61-674]

### LEO JOSEPH THERIOT

#### Memorandum Opinion and Order

In the matter of revocation of license of Leo Joseph Theriot for Standard Broadcast Station KLFT, Golden Meadow, Louisiana, Docket No. 13925.

1. The Commission has before it for consideration a petition, filed February 13, 1961, by Leo Joseph Theriot, for reconsideration of an Order (FCC 61-94), released January 19, 1961, to Show Cause why an order to revoke the license of standard broadcast Station KLFT, Golden Meadow, Louisiana, should not issue, and a petition filed by the Broadcast Bureau on April 10, 1961, to enlarge the scope of that Show Cause Order. The Broadcast Bureau filed an opposition to the Theriot petition to which Theriot replied and Theriot filed an opposition to the Bureau's petition.

2. On June 16, 1960, Station KLFT was sent an official Notice of Violation which noted Station KLFT's noncompliance with the Commission's rules as follows: (1) Failure to employ a full-time radiotelephone first class operator pursuant to § 3.93(c); (2) failure to maintain yearly equipment measurements pursuant to § 3.47; (3) failure to maintain the CONELRAD receiver properly pursuant to § 3.931; (4) failure to make proper plate and antenna current entries in the operating log pursuant to § 3.111(b); and (5) failure to take the necessary protective measures pursuant to section 340(b).

3. Despite two subsequent notices sent to Station KLFT and two personal discussions of the aforementioned violations between the Commission's Inspecting Engineer and Leo Joseph Theriot, Station KLFT continued in daily operation and no response was received to such notices until December 16, 1960. At that time, while alleging that compliance had been effected with regard to the last four of the five aforementioned Rules violations, KLFT admitted that the services of a full time radio telephone first class operator had not as yet been secured.

4. On January 19, 1961, the Commission issued an Order to Show Cause why an order to revoke the license of standard broadcast Station KLFT should not be issued, in which it alleged that Station KLFT has continued its day-to-day operation in violation of § 3.47 and § 3.93(c) of the Commission's rules and has failed to respond to Commission notices in violation of § 1.76 (formerly § 1.61) of the Commission's rules.

5. On February 13, 1961, Theriot filed a petition for reconsideration of the

Commission's Order to Show Cause, in which he asserted that:

(a) He engaged the services of consulting engineer Louis J. N. duTreil, whose qualifications are well known to the Commission and its engineering staff, for the completion of equipment measurements as required by §§ 3.40 and 3.47 of the rules, and such measurements were in fact made.

(b) He engaged on a full-time basis, George L. Roundtree, Jr., holder of radiotelephone first-class operator's license PL-8-2507, issued at New Orleans and expiring March 16, 1962.

(c) He directed and in fact secured maintenance of the Conelrad receiver at KLFT, in accord with § 3.931 of the rules.

(d) He directed that proper plate and antenna current entries be made in the operating log in accord with § 3.111(b) of the rules, and that such current entries continue thereafter.

6. On April 10, 1961, the Broadcast Bureau filed a petition to enlarge the scope of the Order to Show Cause to include an inquiry as to the truth of Theriot's assertion (b), quoted above from his petition for reconsideration, in view of the statements of George L. Roundtree, Jr., in an affidavit attached to the Bureau's petition in which he asserts that he has for the last four years been employed on a full-time basis by Hamilton Radio Communications, Inc.; that he posted his license at Station KLFT in December 1960, for which he has been paid \$50 per month; and that any maintenance work that he has done for Station KLFT has been as an employee of Hamilton Radio Communications, Inc.

7. In his opposition to this petition of the Broadcast Bureau, Theriot argues that the Bureau's petition was untimely filed and that he found no conflict between his statement in the petition for reconsideration (quoted above, (b)) and the affidavit of George L. Roundtree, Jr.

8. In view of the disagreement concerning the employment of George L. Roundtree, Jr., as a full-time radiotelephone first-class operator at Station KLFT, it is the Commission's view that an evidentiary hearing should be held to determine the facts, and Theriot's petition for reconsideration will therefore be denied. For the same reason, the Commission is of the view that a determination should be made after an evidentiary hearing as to whether there has been a misrepresentation of fact in the petition for reconsideration. The factual basis of the Bureau's request post-dates the issuance of the Order to Show Cause, and the Bureau therefore had good cause for not filing the petition within the fifteen day period prescribed by § 1.141 of the rules.

Accordingly, *it is ordered*, This 17th day of May 1961, that the Petition for Reconsideration of the Commission's Order to Show Cause of January 19, 1961, filed February 13, 1961, by Leo Joseph Theriot, is denied, and the Petition to Enlarge the Scope of the Order to Show Cause of January 19, 1961, filed April 10, 1961, by the Broadcast Bureau is granted.



It is further ordered, That the Order to Show Cause in the above-captioned proceeding is amended by the addition of the following paragraph, as the second last paragraph thereof:

It is further ordered, That a determination be made as to whether Leo Joseph Theriot made, or caused to be made, any misrepresentations to the Commission or its employees in connection with the operation of Station KLFT or the above-captioned proceeding, and if so, whether such misrepresentation or misrepresentations constitute good cause for the revocation of the station's license pursuant to the provisions of section 312(a) (1) and 312(a) (2) of the Communications Act of 1934, as amended.

Released: May 22, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 61-4886; Filed, May 24, 1961;  
8:52 a.m.]

## FEDERAL POWER COMMISSION

[Project Nos. 2248, 2272]

### ARIZONA POWER AUTHORITY ET AL.

#### Order Granting Motion To Sever

MAY 18, 1961.

Arizona Power Authority, Project No. 2248; and City of Los Angeles, California, and its Department of Water and Power, Project No. 2272.

On May 9, 1961, Arizona Power Authority filed a motion to sever the proceeding on its application for license under the Federal Power Act for its proposed Marble Canyon development on the Colorado River, Project No. 2248.

The application for license filed in July of 1958, as amended, by Arizona Power Authority (Project No. 2248), includes: (1) Its proposed Marble Canyon hydroelectric development; and (2) its proposed Bridge Canyon hydroelectric development on the Colorado River together with two silt detention reservoirs designated "Tolchico" on the Little Colorado River and "Moenkopi" on Moenkopi Wash, a tributary of the Little Colorado. Thereafter, the City of Los Angeles, California, and its Department of Water and Power filed application for license for the proposed Bridge Canyon development, Project No. 2272. By order issued March 29, 1960, the Commission consolidated these matters for hearing in view of the competing applications of the Authority and the City of the Bridge Canyon site.

In accordance with a joint motion submitted by the applicants without objection and granted on November 23, 1960, and extensions granted under Paragraph (E) of the order of March 29, 1960, the hearing commenced on May 2, 1961, with respect to the Marble Canyon development proposed by the Authority. At the commencement of the hearing both of

the applicants stated in substance that conferences between them have revealed areas of agreement sufficient to warrant further and more detailed discussions looking toward possible agreement between them on the development of the Bridge Canyon site.

In its motion the Authority has requested that the proceeding with respect to the proposed Marble Canyon development be severed so as to permit a decision thereon pending completion of studies respecting Bridge Canyon.

The Commission finds: It is appropriate and in the public interest to sever the aforesaid proceedings, as hereinafter provided.

The Commission orders:

(A) Those parts of the Commission's order of March 29, 1960, consolidating proceedings, fixing hearing, and prescribing procedure respecting the Bridge Canyon developments proposed by the Authority in Project No. 2248 and by the City in Project No. 2272 are rescinded, and the proceeding with respect to Marble Canyon development in Project No. 2248 is severed from the pending proceedings respecting the Bridge Canyon developments proposed by the Authority and the City, respectively, in Project Nos. 2248 and 2272.

(B) Within one hundred and eighty (180) days after the Commission's decision and order disposing of the application for license in Project No. 2248 for the proposed Marble Canyon development becomes final, the Authority and the City shall file a statement or statements showing the progress of studies and request a hearing with respect to Bridge Canyon or show cause, if any there be, why their respective applications concerning their proposed Bridge Canyon developments should not be dismissed for want of prosecution.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-4837; Filed, May 24, 1961;  
8:46 a.m.]

[Docket No. CP61-256]

### COLORADO INTERSTATE GAS CO.

#### Notice of Application and Date of Hearing

MAY 18, 1961.

Take notice that Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colorado, filed an application, on March 30, 1961, in Docket No. CP61-256 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as hereinafter described, all as more fully described in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authority to operate its existing Springfield meter station for the sale and delivery of natural gas to its existing customer, Kansas-Colorado

Utilities, Inc. (Kansas-Colorado) for resale to irrigation customers.

The Springfield station was originally constructed in 1952, as an emergency measure to insure Kansas-Colorado adequate service during the 1951-52 heating season. Applicant has maintained the station in an operating condition, but has never delivered the gas through it.

The application states that Kansas-Colorado has requested deliveries through the Springfield station in order to supply gas to its existing customer, Plateau Natural Gas Company (Plateau). Plateau has an increasing market for gas for its irrigation customers.

As an existing facility and interconnection, the Springfield meter station will not require any funds to be spent on construction or to put it into service. The original cost of the construction was \$4,766.

Delivery of gas to Kansas-Colorado is limited to the months from May through October. The sales to be made through the Springfield station will be interruptible and will occur only in the summer-time and such sales do not effect Colorado's system capacity.

The proposed superseding service agreement field concurrently with the subject certificate application proposes to add one point of delivery and to increase the combined maximum daily rate of delivery to 6,000 Mcf per day. The maximum annual volume of 500,000 Mcf is retained.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 22, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 12, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-4838; Filed, May 24, 1961;  
8:46 a.m.]



[Docket Nos. RI61-492—RI61-499]

W. L. HARTMAN ET AL.

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>**

MAY 17, 1961.

W. L. Hartman (Operator), et al.,  
Docket No. RI61-492; Hollandsworth  
and Travis (Operator), et al., DocketNo. RI61-493; United Producing Com-  
pany, Inc., Docket No. RI61-494; Limpia  
Royalties, Inc., Docket No. RI61-495;  
Sinclair Oil & Gas Company, Docket No.  
RI61-496; Phillips Petroleum Company,  
Docket No. RI61-497; Sunray Mid-Con-  
tinent Oil Company, Docket No. RI61-  
498; Marshall R. Young Drilling Com-  
pany (Operator), et al., Docket No.  
RI61-499.The above-named Respondents have  
tendered for filing proposed changes in  
presently effective rate schedules for  
sales of natural gas subject to the juris-  
diction of the Commission. All of the  
sales are made at a pressure base of  
14.65 psia with the exception of Marshall  
R. Young Drilling Company (Operator),  
et al., which is sold at 15.025 psia.The proposed changes are designated  
as follows:

| Docket No.  | Respondent                                                                                                     | Rate sched-<br>ule No. | Sup-<br>ple-<br>ment No. | Purchaser and producing area                                                                     | Amount of annual increase | Date filing tendered | Effective date <sup>1</sup> unless sus-<br>pended | Date sus-<br>pended until— | Cents per Mcf        |                         | Rate in effect subject to refund in Docket Nos. |
|-------------|----------------------------------------------------------------------------------------------------------------|------------------------|--------------------------|--------------------------------------------------------------------------------------------------|---------------------------|----------------------|---------------------------------------------------|----------------------------|----------------------|-------------------------|-------------------------------------------------|
|             |                                                                                                                |                        |                          |                                                                                                  |                           |                      |                                                   |                            | Rate in effect       | Proposed increased rate |                                                 |
| RI61-492... | W. L. Hartman (Operator), et al., P.O. Box 54, Wichita 1, Kans.                                                | 2                      | 7                        | Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).                                  | \$8,756                   | 4-21-61              | 7- 1-61                                           | 12- 1-61                   | 12.0                 | <sup>1</sup> 17.0       | -----                                           |
| RI61-493... | Hollandsworth and Travis (Operator), et al., P.O. Box 1632, Longview, Tex.                                     | 3                      | 14                       | Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District 6).          | 92                        | 4-21-61              | 5-22-61                                           | 10-22-61                   | <sup>2</sup> 13.8796 | <sup>3</sup> 14.8892    | -----                                           |
| RI61-493... | do                                                                                                             | 2                      | 18                       | do                                                                                               | 11,328                    | 4-24-61              | 5-25-61                                           | 10-25-61                   | <sup>4</sup> 13.8796 | <sup>7</sup> 14.8892    | -----                                           |
| RI61-494... | United Producing Co., Inc., P.O. Box 1503, Houston 1, Tex.                                                     | 20                     | 6                        | Natural Gas Pipeline Co. of America (Camrick Southeast Field, Tex., and Beaver Counties, Okla.). | 2,081                     | 4-24-61              | 6- 5-61                                           | 11- 5-61                   | <sup>4</sup> 16.8    | <sup>8</sup> 17.0       | <sup>10</sup> RI60-338                          |
| RI61-495... | Limpia Royalties Inc., Care of Patrick Flynn, Attorney, P.O. Box 913, Midland, Tex.                            | 3                      | 5                        | El Paso Natural Gas Co. (Spraverry Clearfork Field, Upton County, Tex.) (R.R. District 7c).      | 1,014                     | 4-24-61              | 5-26-61                                           | 10-26-61                   | <sup>5</sup> 11.1056 | 17.2295                 | <sup>11</sup> G-14761                           |
| RI61-496... | Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.                                                           | 39                     | 8                        | The Shamrock Oil and Gas Corp. (West Panhandle Field, Moore County, Tex.) (R.R. District 10).    | 1,692                     | 4-26-61              | 5-27-61                                           | 10-27-61                   | 10.0                 | <sup>6</sup> 12.0       | -----                                           |
| RI61-496... | do                                                                                                             | 150                    | 3                        | Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).                                  | 328                       | 4-26-61              | 7- 1-61                                           | 12- 1-61                   | 12.0                 | <sup>3</sup> 13.0       | -----                                           |
| RI61-497... | Phillips Petroleum Co., Bartlesville, Okla.                                                                    | 83                     | 6                        | The Shamrock Oil and Gas Corp. (West Panhandle Field, Moore County, Tex.) (R.R. District 10).    | 3,421                     | 4-20-61              | 5-21-61                                           | 10-21-61                   | 9.5                  | <sup>8</sup> 11.5       | -----                                           |
| RI61-498... | Sunray Mid-Continent Oil Co., P.O. Box 2039, Tulsa 2, Okla.                                                    | 117                    | 5                        | Panhandle Eastern Pipe Line Co. (Leslie Field, Meade County, Kans.).                             | 166                       | 4-20-61              | 7- 1-61                                           | 12- 1-61                   | 15.0                 | <sup>3</sup> 16.0       | -----                                           |
| RI61-499... | Marshall R. Young Drilling Co. (Operator), et al., 2905 Continental National Bank Building, Fort Worth 2, Tex. | 1                      | 1                        | United Gas Pipe Line Co. (Ansley Field, Hancock County, Miss.).                                  | 47,267                    | 4-21-61              | 6-14-61                                           | 11-14-61                   | <sup>9</sup> 18.5    | 20.5                    | -----                                           |

<sup>1</sup> Redetermination increase by contract. Hartman contract dated June 6, 1958 ratifies contract dated February 9, 1956 between The Texas Company and Northern Natural Gas Co.<sup>2</sup> Includes 0.25 cent per Mcf for dehydration charged by seller, where applicable.<sup>3</sup> Periodic increase by contract.<sup>4</sup> In effect subject to refund.<sup>5</sup> Renegotiated increase by contract.<sup>6</sup> Includes 0.25 cent per Mcf for dehydration charged by seller, where applicable.<sup>7</sup> Two-step periodic increase by contract, plus tax reimbursement.<sup>8</sup> Favored-nation increase by contract.<sup>9</sup> Includes 1.5 cents per Mcf for transportation deducted by buyer.<sup>10</sup> Supplement No. 5.<sup>11</sup> Supplement No. 4.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supple-

ments be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before July 3, 1961.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.[F.R. Doc 61-4839; Filed, May 24, 1961;  
8:46 a.m.]

[Docket Nos. RI61-182—RI61-491]

G. H. VAUGHN ET AL.

**Order Providing for Hearings on and Suspension of Superseding Rate Filings and Allowing Rates To Become Effective Subject To Refund<sup>1</sup>**

MAY 12, 1961.

G. H. Vaughn, Jr., et al.,<sup>2</sup> Docket No. RI61-182; Pan American Petroleum Corporation,<sup>3</sup> Docket No. RI61-491.

On April 17, 1961, G. H. Vaughn, Jr., et al. (Vaughn, Jr.) tendered for filing a contract, designated G. H. Vaughn, Jr., et al. FPC Gas Rate Schedule No. 4, for the jurisdictional sale of natural gas to H. L. Hunt, et al. from North Lansing Field, Harrison County, Texas. The filing supersedes G. H. Vaughn FPC Gas Rate Schedule No. 1, which previously covered G. H. Vaughn's interests in the sale and later covered Vaughn, Jr.'s interests as successor to G. H. Vaughn. An increased rate of 14.5 cents per Mcf was filed under the superseded rate schedule, was suspended, and was made

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.<sup>2</sup> 1200 Vaughan Building, Dallas 1, Tex.  
<sup>3</sup> Oil and Gas Building, Fort Worth, Tex.



effective subject to refund as of April 1, 1961, in the proceeding in Docket No. R161-182. The superseding rate schedule also provides for a rate of 14.5 cents per Mcf (and for subsequent price increases of two mills annually).

On April 13, 1961, Pan American Petroleum Corporation (Pan American) tendered for filing a contract, designated Pan American FPC Gas Rate Schedule No. 308, for the jurisdictional sale of natural gas to H. L. Hunt, et al. from North Lansing Field, Harrison County, Texas. The filing supersedes Placid Oil Company (Operator), et al. (Placid) FPC Gas Rate Schedule No. 30 insofar as Pan American had interests therein. An increased rate of 14.5 cents per Mcf was filed under Placid's rate schedule, was suspended, and was made effective subject to refund as of April 1, 1961, in the proceeding in Docket No. R161-176. Pan American's superseding rate schedule also provides for a rate of 14.5 cents per Mcf (and for subsequent price increases of two mills annually).

The 14.5 cent rate in each of the above-described filings exceeds the area rate for the area involved under the Commission's Statement of General Policy No. 61-1, as amended.

The rates may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the 14.5 cent rates contained in the proposed filings and that the above-designated rate schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the 14.5 cent rates contained in the above-designated rate schedules.

(B) Pending hearings and decisions thereon, Vaughn, Jr.'s FPC Gas Rate Schedule No. 4 is suspended and the use thereof deferred until May 18, 1961, Pan American's FPC Gas Rate Schedule No. 308 is suspended and its use deferred until May 14, 1961, and each of said rate schedules is further suspended and deferred until such time as it is made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Vaughn, Jr.'s and Pan American's said rate schedules shall become effective May 18 and May 14, 1961, respectively, if within 20 days from the date of the issuance of this order, they shall execute and file in the respective proceedings an agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule

involved. Unless Vaughn, Jr., and Pan American are advised to the contrary within 15 days after the filing of such agreements and undertakings, the agreements and undertakings shall be deemed to have been accepted.

(C) The rate schedules suspended hereby shall not be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 26, 1961.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 61-4840; Filed, May 24, 1961;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

### APEX MINERALS CORP.

#### Order Summarily Suspending Trading

MAY 19, 1961.

The common stock, \$1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, May 21, 1961, to May 30, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 61-4852; Filed, May 24, 1961;  
8:48 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 334]

### KENTUCKY

#### Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Jefferson, Pendleton, Spencer, Bullitt, and Boyle Counties in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about May 9 and 10, 1961.

#### Offices—

Small Business Administration Regional Office,

Standard Building, Fourth Floor,  
1370 Ontario Street,  
Cleveland 13, Ohio.

Small Business Administration Branch Office,

Commonwealth Building, Room 1900,  
Fourth and Broadway,  
Louisville 2, Ky.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1961.

Dated: May 15, 1961.

JOHN E. HORNE,  
Administrator.

[F.R. Doc. 61-4949; Filed, May 24, 1961;  
11:03 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 22, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 37143: Class rates—Sea-Land Service, Inc. Filed by Sea-Land Serv-



ice, Inc., for itself and interested carriers. Rates on various commodities moving on less-than-truckload, truckload and volume class rates, loaded in trailers and transported over joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in Maine and Dover, Del., on the one hand, and points in Florida on the other; also between Baton Rouge, La., and points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Grounds for relief: Rail-water freight forwarder competition.

Tariff: Supplement 32 to Sea-Land Service, Inc., tariff I.C.C. 279.

FSA No. 37144: *Bituminous fine coal to Oak Creek Power Plant, Wis.* Filed by Illinois Freight Association, Agent (IFA No. 141), for interested rail carriers. Rates on bituminous fine coal, in carloads, subject to 1,000 tons of 2,000 pounds each, minimum per shipment and further subject to 12 month minimum of 1,250,000 tons, from Northern Illinois mines in group 5-A, to Oak Creek Power Plant, Wis.

Grounds for relief: Market competition.

Tariff: Supplement 6 to Illinois Freight Association tariff I.C.C. 951.

FSA No. 37145: *Substituted service—C&O for Midwest Haulers, Inc., et al.* Filed by Midwest Haulers, Inc. (No. 39), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Newport News, Va., on the one hand, and Chicago, Ill., and Cincinnati, Ohio, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 18 to Midwest Haulers, Inc., tariff MF-I.C.C. 22.

FSA No. 37146: *Lumber and related articles to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8021), for interested rail carriers. Rates on lumber and related articles, in carloads, from specified points in Illinois, to points in southwestern territory.

Grounds for relief: Grouping.

Tariff: Supplement 100 to Southwestern Freight Bureau tariff I.C.C. 4262.

FSA No. 37147: *Logs from Jackson, Mo., to Seymour, Ind.* Filed by Southwestern Freight Bureau, Agent (No. B-8023), for interested rail carriers. Rates on logs, native wood, in carloads, from Jackson, Mo., to Seymour, Ind.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 133 to Southwestern Freight Bureau tariff I.C.C. 4061.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 61-4849; Filed, May 24, 1961;  
8:47 a.m.]

## TARIFF COMMISSION

### CLINICAL THERMOMETERS

#### Tariff Commission Reports to the President

MAY 22, 1961.

The U.S. Tariff Commission today submitted to the President its second periodic report on the developments in

the trade in clinical thermometers, finished or unfinished, since the "escape clause" action effective May 21, 1958, withdrawing the concession thereon granted in the General Agreement on Tariffs and Trade. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952, which order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that conditions of competition between imported and domestic clinical thermometers had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in clinical thermometers do not warrant a formal inquiry into the question of whether a reduction in the duty on clinical thermometers could be made without causing or threatening serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL]

DONN N. BENT,  
Secretary.

[F.R. Doc. 61-4861; Filed, May 24, 1961;  
8:48 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MAY

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| 1041 | 4399       |
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| 2279 | 4452       |
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| 2326 | 3810       |
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| 2374 | 4331 |
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| 2376 | 4332 |
| 2377 | 4333 |
| 2378 | 4333 |
| 2379 | 4333 |
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